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WEST-CENTRAL NORTH DAKOTA

MANAGEMENT FRAMEWORK PLAN

DECISION DOCUMENT

September 1980

Bureau of Land Management
Dickinson District
Dickinson, North Dakota

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INTRODUCTION

The Dickinson District Office of the Bureau of Land Management (BLM) has adopted a land use plan for federal minerals and certain federal lands in a large portion of west-central North Dakota. It is known as the West-Central North Dakota Management Framework Plan (MFP).

The draft version of the plan was contained in the West-Central MFP information packet of May 1980 that was distributed to the public. This decision document does not contain the plan itself, but completes it and contains all of the oral and written comments that were received concerning the planning recommendations, as well as BLM's responses to them. Changes made in the MFP are also noted.

To help clarify the issues that were raised in the oral and written testimony, the section entitled "Analysis of Issues" contains most of the significant points that were raised. These condensed issues do not reflect all of the comments received, but they do summarize most of the testimony directly relevant to the West-Central MFP.

Reading the "Analysis of Issues" section will not give a complete understanding of the comments or BLM's responses, but it will show the relationships and similarities among separate comments. The reader is urged to examine the actual comments and responses in their entirety.

All of the recommendations contained in the MFP information packet are now planning decisions and will serve as guidelines for the management of BLM lands and resources in west-central North Dakota. Taken together, the information packet and the present document constitute the final published plan.

Within the next few months, the BLM will publish a summary of the West-Central North Dakota Management Framework Plan, which will contain all of the MFP planning decisions and the rationales for the decisions, as well as relevant maps, tables, and other supportive material. While the summary will more conveniently display the MFP material, it will not contain new information--information which is not contained in either the recommendations packet or the present document.

In the interest of cost efficiency, the summary document will be distributed only to those requesting it, and will not be sent automatically to those on the West-Central MFP mailing list. Therefore, anyone wanting a copy of the MFP summary is asked to contact the Dickinson District Office, P.O. Box 1229, Dickinson, North Dakota; telephone (701) 225-9148.

PUBLIC PARTICIPATION

Public involvement and review is sought for all of BLM's land use plans. For the West-Central North Dakota MFP, there have been many opportunities for the public to ask questions, offer advice, and make comments (see introduction to MFP information packet of May 1980). A total of almost 400 people attended the public meetings held in four different cities in January to explain the MFP planning process. The MFP information packet was distributed to approximately 1,000 persons, including those who were on the original mailing list and those who requested the packet. The distribution included landowners over federal coal; state, local, and federal government offices; interest groups; and the energy industry.

All governmental entities that have or might have existing plans in effect for portions of the west-central area were mailed the MFP recommendations. No incompatibilities between the MFP and any of these plans have surfaced.

In letters accompanying the packets and through other public information procedures (such as news releases and paid advertisements), the BLM requested a review of the recommendations. The public was asked to submit written comments at any time during the comment period, from June 2 to July 22, and oral comments at the MFP public hearing in Hazen, North Dakota.

Approximately 45 persons attended the July 22 hearing, including landowners, representatives of interest groups, and the energy industry. Five persons offered oral testimony, and a total of ten people submitted written comments. The written comments were either submitted at the hearing or mailed to the Dickinson District Office.

The list (in the following section) of future federal coal planning steps contains many more opportunities for public participation. More specific information on these steps will be publicized at the appropriate times.

FOLLOWING ACTIONS

With the publication of this decision document, the West-Central North Dakota Management Framework Plan is in effect, having been approved by the Dickinson District Manager with the concurrence of the Montana State Director*. The plan covers 17,160 acres of federal surface lands and 172,480 acres of split-estate federal coal with a high to moderate potential for development. For the BLM surface lands, the planning is completed and the decisions are final. Most of the coal resources are being carried into a more intensive planning phase.

The next phase of the coal management program is known as "activity planning". This consists of more specific planning that will lead to decisions about whether coal leasing will occur and, if so, where and how much. For the non-coal decisions, a variety of actions will be undertaken by the BLM to implement the decisions; when these actions occur will depend on the importance of the management action planned and on the amount of funding available.

The activity planning for federal coal in the West-Central MFP area will include the following steps to be taken in consecutive order (points of significant public involvement are underlined):

1. Call for expressions of leasing interest. Industry will be notified that they should inform BLM of those areas which they would be interested in leasing.

2. Tract delineation by U.S. Geological Survey.

3. Scoping: identification of issues.

4. Site-specific analysis of the tracts and socioeconomic and agricultural studies.

5. Analysis of probable coal-conversion facilities to be associated with proposed tracts.

6. Publication and public review of site-specific analysis summaries.

7. Fort Union Regional Coal Team hearings and meetings concerning leasing options in the Fort Union Region.

8. Analysis of testimony from regional hearings.

9. Preliminary tract ranking.

10. Publication and public review of Draft Regional Environmental Impact Statement.

11. Public involvement workshops for draft EIS.

*The Montana State Director is the BLM "regional" director for the states of Montana, North Dakota, and South Dakota.

12. Publication of Final Fort Union Coal Regional Environmental Impact Statement.

13. Lease sale of selected tracts in the Fort Union Coal Region.

The above list does not include all of the procedures that must be accomplished before federal coal in the west-central area can be leased, but it does show the major steps and the sequence of events. The public will continue to be involved throughout the activity planning process.

ANALYSIS OF ISSUES

ANALYSIS OF ISSUES

There were many different points made in the oral and written testimony concerning the West-Central MFP. While these points cannot be summarized easily, it is apparent that a few major issue categories--relating to many comments made by different individuals--emerged from the public comment process. These categories are:

1. Agricultural, Social and Economic Issues

2. Surface Owner Protection Issues

3. Reclamation Issues

4. Unsuitability Criteria Issues.

These issues are addressed in a general way in this section. For specific responses to these and other issues, see the last section of this document.

Agricultural, Social and Economic Issues

A. General

The issue most frequently raised by people commenting upon the West-Central MFP was the effect of possible federal coal development upon agriculture in the area. Interrelated concerns about coal development effects upon local economies, community services, and quality of life were also expressed.

In order to do a realistic job of assessing probable impacts of coal development, details of specific proposals must be known. These assessments should relate to actual tracts, communities, farms, and projected development timeframes for specific project proposals. Specific proposals must be known in order to weigh the probable impact of coal development on the actual people and resources of a community or region.

A multi-stage planning process is used for the Federal Coal Management Program. The first stage involves the preparation of a land use plan, such as the West-Central MFP. The plan identifies those federal coal lands available for further consideration for leasing. The identification is accomplished by excluding those areas that are obviously unsuitable for suface mining. The plan does not identify which tracts will actually be leased, nor does it identify the need for leasing any of the areas. Public comments have suggested that detailed consideration be given at this time to the potential impacts of coal development on agriculture and the social and economic environment. Such impacts, however, cannot be assessed without detailed proposals that relate to specific tracts, types of development, amounts of development, and projected development timeframes.

During activity planning, the second stage of the federal coal program, specific proposed actions are assessed.

The purpose of activity planning is to delineate, select, and evaluate a sufficient number of tracts for sale to meet a regional coal leasing target. Activity planning, therefore, leads to decisions on whether to lease coal, how much to lease, where to lease, and when.

Specific tracts would be selected to meet development proposals. The tracts and proposal(s) would then be analyzed, ranked, and discussed--considering the impacts on each specific tract should mining occur, as well as the cumulative impacts of leasing different arrays of tracts to meet the coal production target established for the region. During this process, agricultural, social, economic, and environmental impacts will be assessed and the assessment will be offered to the public for review. At this point in the planning process, the BLM would identify leasing proposals which would be tied to definite areas. Also, the kind of facilities to be associated with these proposals would be apparent.

After definite proposals have been brought forward, the loss of agricultural production and the possible displacement of farm families from affected areas could be assessed. At that stage a better assessment could also be made of losses in water quality and quantity and their consequent effect on agriculture. The analysis will be related to real people, be specific to actual resources, and be useful to a decisionmaker and the public looking for solid alternatives, answers, or mitigating measures.

Certain coal areas may be given low priority or dropped from coal lease consideration on the basis of social and economic concerns.

B. Impact on Agriculture

The federal government owns some 23 percent of the known recoverable coal reserves in the MFP area. These important reserves of coal lie under land owned by some 800 private citizens, many of whom depend totally upon the agricultural resources for their livelihood. Agriculture is obviously the dominant land use in this region, with nearly all land being devoted to some form of farming or livestock grazing. According to the 1974 Census of Agriculture, there were 4,038 individual farms in the five-county planning area. It is not known at this time, however, how many of these farms are within the coal deposit limits.

Landowners have raised a wide variety of concerns about the impacts of potential coal production; for example: (1) loss of agricultural production and income as a result of development; (2) displacement of farm families; (3) return of mined lands to premining production levels; (5) potential effects of air pollution on agricultural productivity; and (6) effects on agriculture and other local businesses from competition with energy companies for factors of production.

Although it is not feasible in the land use plan to assess the detailed impact of possible future coal leasing decisions, a great deal of study has been undertaken concerning the kinds of impacts which may be expected.

1. Impacts of Actual Proposals

A joint BLM-State of North Dakota study, West-Central North Dakota Regional Environmental Impact Study on Energy Development, was published in 1978. This study examined in great detail the impacts of three different levels of possible coal development. The first of these three levels dealt with five projects which were considered to be "active proposals" at the time. The impacts described for these proposals illustrate the kinds and magnitude of impacts which future coal developments could produce. The study considers four new mines with conversion facilities and one coal mine expansion. One of the major conversion plant proposals has since been withdrawn by the company; the others continue to be proposed. All of the proposed mines and facilities are in either Dunn or Mercer county.

The four plant sites would permanently take out of production 3,203 acres, of which 1,344 acres (42 percent) is cropland and 1,683 acres (53 percent) is rangeland. Of the cropland, 575 acres were identified as prime farmland from the Soil Conservation Service generalized soil map.

Average production on the cropland in terms of wheat in 1974 was 18 bushels per acre. The average annual production from the grassland is 1.7 acres per animal unit month.

Based on the value of crop and livestock products sold in Dunn and Mercer counties (1974 Census of Agriculture), the value of lost agricultural production from the crop and rangeland would total approximately $158,000 annually, or $4,740,000 over a 30-year period.

A combined total of about 1,020 acres of cropland and rangeland in Dunn and Mercer counties would be mined annually over an average of 30 years. Assuming a maximum of five years to reclaim any given acre, approximately 5,100 acres would be taken out of agricultural production annually. Approximately 51 percent of this would be cropland and 45 percent would be rangeland. This would result in a total loss in crop and livestock products valued at approximately $287,500 annually.

The combined value of agricultural products lost directly to the plant sites and coal mines in Dunn and Mercer counties would approximate $445,500 annually. This figure represents approximtely 1.1 percent of the total dollar value of the two counties' agricultural output in 1974 ($38,943,000).

In addition to the land affected directly by plant sites and mines, there would be an indirect impact on land in Dunn and Mercer counties. Residences, businesses, and transportation and utility infrastructures needed by the new population would cause permanent changes in land use. It is estimated that by the year 1989, 2,974 acres of mostly agricultural land would have oeen converted to urban use in these two counties.

The study also identifies other impacts of energy development on agriculture. The agricultural sector may experience problems in finding adequate numbers of skilled workers, especially during harvest season. Although other farm inputs (fertilizer, seeds, machinery, etc.) would be somewhat insulated from inflationary trends caused by rapid build-up in population, farm families would have to bear the inflated costs of consumer items.

Despite its temporary nature, mining would have a negative impact on land uses not compatible with it. Particularly impacted would be farming and ranching operations near plants and mines. These impacts could include removal of or damages to fences, cattleguards, pipes, roads, and trails, in addition to diminished well and reservoir levels and degraded ground water quality. Numerous other impacts on agriculture, such as noxious weed problems, are mentioned on page 142 of the study.

The study also describes impacts on rural families (page 136). In rural areas, many socialization functions are fulfilled by family, neighbors, and other community groupings. However, expanded coal development would likely cause some of this socialization to be transferred from the family to school and social service agencies.

2. Impacts Assuming Development of all Available Federal Coal

Although it is highly unlikely that all the federal coal will ever be mined in this area, it is of interest to speculate on what the total impact might be.

If all of the BLM coal areas found acceptable for further consideration for leasing (approximately 97,000 acres) were mined over a 30-year period, about 3,200 acres would be mined annually. Using the 5-year assumption concerning reclamation, this would mean that a total of about 16,000 acres would be out of agricultural production each year following the fifth year of development. Carrying this further and using the ratio from the West-Central Environmental Study of land disturbed by mining to land disturbed by associated facilities and urban/build-up, it is possible to project the additional amount of land to be permanently taken out of agriculture. This would amount to an additional 19,200 acres, or a total of 35,200 acres unavailable to agriculture during any one year.

The total acreage in rangeland and cropland in the five-county area is estimated to be 4,082,610--of which 2,446,984 is cropland (60 percent) and 1,635,626 is rangeland (40 percent). Therefore, approximately 0.9 percent of the total cropland and rangeland in the five-county area could be unavailable for agricultural production annually with total federal coal development.

If it is assumed that cropland and rangeland would be taken out of production in the same proportion as they occur in the five-county area, then of the 35,200 acres unavailable for agriculture annually, 21,120 acres would be cropland and 14,080 acres would be rangeland. This also assumes that all land that would be committed to coal development is agriculturally productive.

The areawide implications of taking the cropland out of production can be demonstrated by using 1974 as a base period and relating losses in terms of wheat, which is the most common crop.

In 1974 average wheat yield was 18 bushels per acre, and the total wheat production in the five-county area amounted to 13,840,460 bushels (1974 Census of Agriculture). Assuming that the 21,120 acres of cropland would not be available for wheat production, then production in the five-county area would be reduced by 2.7 percent, or 380,160 bushels. This somewhat overstates the real impact, since the cropland that would be involved in coal development would not have been cropped every year, because of summer fallowing.

As for rangeland, average production is estimated at 1.7 acres per animal unit month (AUM) (West-Central Environmental Study). This means that production losses from the 14,080 acres of rangeland would amount to 8,280 AUMs, or 0.9 percent of the estimated 962,000 AUMs produced annually in the five-county area.

The potential impact on the five-county agricultural economy can also be projected. Gross annual income loss from reduced wheat production would amount to approximately $1,973,000 based on 1974 prices. Loss of rangeland production would amount to a reduction in gross annual income of about $160,700. Thus, combined annual gross income losses for the area due to development of all available federal coal would amount to a total of $2,133,700. This is .17 percent of annual gross value of agricultural output ($121,786,000) in the five-county area (1974 Census of Agriculture).

It should be recognized, however, that not all of the 97,000 acres of federal coal land found suitable for further consideration for leasing could be mined separately because of intermingeled ownerships. Undoubtedly, a great deal of private or state owned coal would have to be mined along with the federal coal (federal ownership is 23 percent of the known coal reserve in the area). Therefore, the total impact on agriculture could be far greater than is projected here. At the same time, it should be recognized that it is unrealistic to assume that all coal would be mined, at least in the foreseeable future. This analysis does show, however, the potential magnitude of impacts on agricultural production in the five-county area if all the BLM coal land were mined and the importance of the detailed assessment of these impacts that will be done during activity planning.

C. Social and Economic Impacts

People commenting on the West-Central MFP were concerned also with impacts of coal development on communities and the quality of life of area residents. Concern was expressed for the cumulative social and economic effects of coal development when added to current oil development. Specifically mentioned were crime, violence, and general disruption of communities caused by large-scale developments. Many of these concerns arise from a recognition that rapid population growth in small rural communities means an influx of people from distant places, whose attitudes and values contrast sharply with those of the existing community. It is not possible, however, to provide specific social and economic impact assessment at this stage of planning. As with agriculture, though, the BLM has documented in the West-Central North Dakota Regional Environmental Impact Study on Energy Development potential social and economic impacts associated with development of plants and coal mines in Dunn and Mercer counties.

Dunn and Mercer counties are currently sparsely populated. With development of the plants and coal mines, the study shows that increases in population for these counties would be significant. From 1975 to 1994 the population of Dunn County was projected to increase 100 percent. Mercer County's population would increase by about 115 percent in the same period of time. All of these increases would be due to coal development.

The study describes in detail the potential social and economic consequences of a build-up in population of this magnitude.

The rapid growth in population would create relatively burdensome demands for public services (page 127). Local governments would encounter difficulty in timely financing and managing for the large-scale expansion of public services and facilities.

Based upon experience in other Northern Great Plains communities in energy development areas, housing would be one of the items most heavily impacted (page 127). Specific housing requirements for Mercer and Dunn counties are outlined in page 137.

School enrollment would be significantly increased with development of the plants and coal mines. Table 3-109 of the study lists school enrollment increases for school districts in Dunn and Mercer counties. For example, the percentage increase in enrollment in the Killdeer school district was projected to be 198 percent.

The incidence of child abuse and neglect would likely increase in Dunn and Mercer counties based on what has happened recently in communities experiencing rapid growth due to energy development (page 136).

Crime could be expected to increase at a rate faster than the population during the period of very rapid population growth. The study cites a greater incidence of violent crimes, some of which may be related to crowded living conditions and use of alcohol.

This region has had a long history of population decline, although overall decline was arrested by energy developments in the 1970's. Population decline throws support of existing public services and facilities to fewer people. The result is a reduction in the kinds and quality of services or higher per capita expenditures. Population growth due to coal development could further assist in reversing these trends.

Economic growth associated with coal development would provide more jobs for young people, many of whom in the past migrated out of the area in search of employment. Job opportunities for women would be expanded as well (page 135).

Certain schools in the area, now under utilized, may find expanded enrollments allow more efficient operation and enriched educational programs.

In much of this region, there are currently few health facilities, and they are widely separated and inadequately staffed. Low hospital occupancy rates (due to sparse population and limited hospital services) make it difficult to overcome these deficiencies. Population growth may provide a basis for upgrading of existing facilities and perhaps the addition of new facilities. New or expanded medical facilities would increase treatment opportunities and reduce travel time in emergencies for many residents.

Other social and economic impacts of energy development that are discussed include those associated with health, government/politics, religion, ethnicity, employment and unemployment, and income and earnings.

D. Future Assessments

Numerous studies have been made concerning the environmental and social implications of energy development in West-Central North Dakota (the above discussion is based on one example).[1/] This existing literature was considered in the preparation of the West-Central MFP. It has served to highlight the social and economic concerns which must be addressed when specific tracts are identified for possible coal leasing.

The BLM has just published the Fort Union Coal Region Project Management Plan in which it is explained how activity planning and environmental assessment will be conducted to lead to a coal lease sale decision. This document includes a contract to be awarded for extensive new studies of the probable agricultural and economic impacts associated with developing the specific tracts selected for lease consideration. The contractor is required to assess the impact of mine development, conversion facility development, and various combinations of mine and facility development.

The following types of information will be provided by the contract:

1. Population changes within affected counties and communities.

2. Employment changes within effected counties and communities.

3. Regional changes in personal income.

4. On-site agricultural impacts and resulting changes in economic linkages in local trading area.

5. Fiscal impacts on communites expected to experience significant population growth.

The Fort Union Project Management Plan also outlines the methodology for assessing the social effects of proposed coal development in the Fort Union Region. Four major areas of social concern are to be studied. These include (1) current attitudes of area residents toward coal leasing and development, (2) the effects of specific leasing proposals on the quality of life, (3) community services, and (4) community social structure.

1/ Some further examples include the Regional Environmental Assessment Program (REAP). Reports of the University of North Dakota; U.S. Department of Energy report on Socioeconomic Impact Assessment: A Methodology Applied to Synthetic Fuels, 1978; and two studies by Professor Richard L. Ludtke of the Social Science Research Institute, University of North Dakota, Human Impacts of Energy Development (Dunn, McLean, Mercer, and Oliver counties) 1977, and Social Impacts of Energy Development--Southwestern North Dakota, 1978.

Surface Owner Protection Issues

Several comments were received addressing the process and results of surface owner consultation. In some cases, it appears that the process is being misunderstood; therefore, it will be explained further here.

The Surface Mining Control and Reclamation Act (SMCRA), Sec. 714, Surface Owner Protection, provides for the protection of surface owners over federal coal. This protection is provided in two ways: surface owner consultation and surface owner consent. The overall objective of both measures is to protect the surface owner, but in different ways and during different phases of the Federal Coal Management Program.

Surface owner consultation is conducted during land use planning. It is essentially a survey to determine if there is a significant number of landowners over federal coal opposed to offering the coal for lease. The SMCRA provides that where a significant number of surface owners have stated a preference against the offering of the deposits for lease, the Secretary of Interior shall, in his discretion--but to the maximum extent practicable--refrain from leasing coal deposits for development by methods other than underground mining techniques in those areas.

Where an area is determined to have a significant number of surface owners opposed, that area could be removed from further consideration in planning or carried through planning with a qualification that it be given a very low priority.

For a surface owner's position against coal leasing to be counted, he (she) must be "qualified" according to Sec. 714(e) of SMCRA and not have already entered into a surface lease agreement. Federal Coal Management Regulations (43CFR, Section 3420.2-3(e)(2)), state that any surface owner who has previously granted written consent to any party to mine by other than underground mining techniques shall be deemed to have expressed a preference in favor of mining.

In the West-Central MFP, consultation was done by surveying surface owners over federal coal having high to moderate potential for development. This coal is in 12 separate deposits. The results of the survey showed that there were no areas having significant numbers of landowners opposed to leasing. Determination of whether or not there are significant numbers involves the use of several criteria:

1. Actual number of those opposed to leasing.
2. Acreage included under "opposed."
3. Amount (percentage) of federal coal in the total area.
4. Distribution pattern of federal coal.

5. Distribution pattern of "opposed" comments.

6. Location and number of existing federal leases.

7. Location and number of preference right leases.

8. Number and location of private and state coal leases.

9. Number and location of surface lease agreements on lands over federal coal.

Any one or combination of criteria could indicate signifance (or insignificance). Additionally, where one criterion might at first appear significant, weighing it with other factors could lessen the significance. For example, in the Dickinson Deposit, 29 percent of the people were opposed to mining, but these people were widely scattered over the entire area and a portion of the area could not be feasibly excluded. If the 29 percent would have been in a consolidated pattern, then the significance would have been clear and an area of land could have been identified for exclusion or given a low leasing priority. The rationales for the individual recommendations explain why no exclusion areas were identified based on consultation.

Surface owner consent is the second type of landowner protection in SMCRA. Under this provision a qualified landowner who has not previously given consent essentially has veto power over leasing the federal coal under his land. The law provides that "the Secretary of Interior shall not enter into any lease of federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent." The Secretary has determined that consent from surface owners will be acquired by industry.

Existing surface owner consents must be considered during the consultation process, but evidence of such consent for leasing purposes is not sought until activity planning time. A surface owner may, however, enter into a surface lease agreement at any time. It is important to note that even though the BLM carries through planning a tract or tracts of land where a qualified surface owner has expressed opposition toward leasing the federal coal, the BLM may not lease the coal unless the surface owner gives consent.

For those qualified surface owners who definitely do not want the federal coal under their surface leased and who would like to obtain relief from pressure exerted by prospective lessors, the BLM has developed regulations for "refusal to consent." Following completion of a land use plan, the BLM will call for refusals to consent. This will be done through mailing an explanation of the process and a refusal to consent form to surface owners over federal coal in those areas designated as acceptable for further consideration for leasing in the land use plan.

Once a surface owner has filed a refusal to consent, the BLM will remove the affected land from any further consideration for leasing. These lands will not be considered again until the land use plan is revised or unless the land changes ownership. The land use plan will normally be revised every ten years; however, certain factors--such as acquisition of new data or new program thrusts--may cause the plan to be updated or revised at an earlier time. When a plan is revised, surface owners will again be contacted and reminded of the option of filing a refusal to consent.

More discussion of the surface protection issue is found in the responses to specific comments.

Reclamation Issues

Successful reclamation of mined lands to their premining level of productivity is a concern widely shared by the public, industry, and government; however, it cannot be adequately addressed without a detailed site-specific analysis of reclamation potential. In the final rulemaking for the Federal Coal Management Program, the Secretary of Interior deleted the proposed reclaimability criterion for the following reason:

> "These determinations cannot be made by the Bureau of Land Management at the pre-lease stage without significant expenditures of money and personnel; and the values are fully protected in the mine plan approval process under the Office of Surface Mining's permanent program regulations."

The MFP planning process does not provide for detailed, site-specific analysis. Therefore, an adequate determination of reclamation potential is not intended at this stage of planning.

A site-specific analysis will be made for each delineated tract during the activity planning phase of the Federal Coal Management Program. In the regional environmental impact statement for coal leasing, reclamation potential for each tract is assessed. The EIS also addresses in a general way the overall potential for successful reclamation. A more detailed, final assessment of reclamation potential is made upon submission of the mining and reclamation plan.

Requirements for submitting a reclamation plan are given in Section 508 of the Surface Mining Control and Reclamation Act of 1977. These requirements include detailed soil surveys, hydrological data, climatic data, revegetation data, engineering techniques, post-mining land use, and other applicable data to ensure adequate reclamation. The regulations concerning reclamation require crop and forage productivity to be 90 percent of the premining production. These regulations also provide for public input prior to approval of the mining and reclamation plan.

Unsuitability Criteria Issues

Concern was expressed as to why some unsuitability criteria have not been applied in this plan, and why the application of some exceptions has not been completed. What is the reason for this?

The regulations call for the use of the best available data that can be obtained within the time and resources available to prepare the plan. They also limit tracts that could be considered in a regional coal lease sale to those on which significant data is available concerning each unsuitability criterion (with the exception of Criterion 19 - Alluvial Valley Floors).

The best available data has been used in developing the West-Central North Dakota Management Framework Plan. However, information is still being collected and, as acquired, will serve to make more exact the identification of lands unsuitable for mining, as well as permit the application of exceptions. Wildlife studies currently being funded by the BLM are expected to yield information by March of 1981. The new information will be used in activity planning and will be reflected in the tracts considered for possible leasing.

Adequate cultural data is available to properly evaluate most of the coal deposits; however, little is known of the archaeological resources in the Garrison, North Garrison, and Dickinson coal deposits. After tract delineation is completed in these deposits, archaeological inventories can be undertaken, with efforts limited to the specific lands identified as tracts. Currently available archaeological information indicates that the Knife River flint quarries in the Dunn Center Coal Deposit have considerable interpretive and scientific significance. A contract will be issued to collect additional data on the extent and importance of (and relationships among) these quarries, so that the unsuitability criteria can be fully applied during activity planning.

In some cases, the boundaries of features identified in the land use plan may be refined during activity planning. Floodplains have been tentatively located and are considered unsuitable for mining. The U.S. Geological Survey will more precisely define these boundaries as land use planning progresses.

Alluvial valley floors have also been tentatively identified. However, considerable technical data will be necessary to refine the boundaries and interpret the significance. The exact boundary will normally be identified at mining plan stage after a successful lease applicant has collected subsurface data on groundwater, soils, and upland influences. The probable impact of mining on farming and underground water will be determined by the Office of Surface Mining, Reclamation and Enforcement (OSM) based on specific proposals in the mining plan. The OSM will, at that stage, identify the lands unsuitable for mining.

Similarly, it is not possible to apply the exceptions to buffer zones around public road rights-of-way and occupied dwellings. The application of exceptions must be postponed until a mining plan is submitted by the coal company. The company must file a request with the OSM to obtain a permit for relocating a particular road. The county or agency managing the road must agree to the relocation before a permit will be issued. In the case of an occupied dwelling, the occupant must give written permission to the coal company before mining will be allowed within 300 feet of the building.

The lands unsuitable maps depict areas where the application of criteria and the application of exceptions to criteria have been deferred until a later stage. Until adequate data is available, these lands cannot be leased (and mined); neither can they be excluded from further consideration at this time.

PUBLIC COMMENTS AND RESPONSES

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Custer NF

REPLY TO: 1920 Land and Resource Planning

July 25, 1980

SUBJECT: West-Central North Dakota Framework Plan

TO: USDI, Bureau of Land Management
Mgr. Chuck Steele
235 Sims
Dickinson, ND 58601

RECEIVED
USDI JUL 25 1980 BLM
DICKINSON, N.D.
ACTION FILE

The West-Central North Dakota Management Framework Plan does not include any of the Little Missouri National grasslands. However, they do share a common boundary.

Recommendations for development of coal deposits, and eventual development will have an indirect impact on the National grasslands. Recreation demands and groundwater changes are two areas of concern with development. The cumulative impact of oil, gas, and coal development should be considered in total. How much development can other resources, including local ranchers, tolerate. 1

Development of coal deposits as it relates to oil and gas fields is another area that would appear to need consideration. Oil and gas development would seem to preclude coal development for the life of the field. To propose coal leasing of a developed oil and gas area would disrupt oil production and be very expensive. 2

Another general concern we have is in prioritizing coal development on a National, Regional, and local scale. The problem that we see is spending considerable time and effort in making a study for a local area and allocating part of the area for development when it is not a high priority area on a national or regional scale. Therefore, the question is, how do the coal deposits in North Dakota compare with the deposits in Montana and Wyoming? 3

A couple of specific comments are as follows:

1. Isolated Tracts Proposal

   a. Cadastral surveys are the most important need as a first step in management of these lands. It would be desirable for BLM to indicate the proposed time-table for accomplishing this similar to other inventories they have proposed within certain time frames. 4

   b. Several times, BLM states that these small isolated parcels should be evaluated for suitability for grazing and leased for grazing if proven suitable. They further state that wildlife use at present levels will be allowed. However, BLM does not state what they will do if these lots are not suitable for grazing. Further, fencing does not appear to be feasible if unsuitable for grazing. How can BLM allow anything but the present levels of wildlife use on these isolated parcels? 5

2. Lost Bridge Management Area

   On page L B 7 (Forest Products), second paragraph, BLM states that mitigating measures can be used for protection of the woodlands. How and where could this be accomplished? A more thorough explanation would be advisable. 6

As you are aware, the land management plans do not recommend coal development in the Little Missouri National Grasslands. Coal development opportunities will be addressed in the Forest plan to be developed under the National Forest Management Act.

/s/ J. MacINTYRE
J. C. MacINTYRE
Forest Supervisor

cc: ND Coordinator

Response to Custer National Forest's Letter Dated July 25, 1980

1. Coal related planning results in a product called "areas acceptable for further consideration for leasing", with specific areas in a coal deposit being excluded from further consideration. Specific leasing proposals will be developed during activity planning, subsequent to management framework planning. It is at this time that recreation demand and groundwater changes will be addressed. Oil, gas, and coal development impacts, in total, will also be addressed at that time.

2. Ongoing oil and gas development will definitely be considered during activity planning. A potential conflict with development of all these resources is recognized.

3. Coal production targets for the coal production regions in the United States (including the Fort Union Region) are developed by the Department of Energy. The Secretary of Interior, through regional coal teams--and following public input--uses the Department of Energy production targets to develop leasing goals. In this way, national, regional, and local areas are looked at in establishing leasing priorities. No one region will bear the burden of coal production.

4. While the BLM recognizes the need for additional cadastral survey, it is felt that existing corner information and other controls are adequate for most management situations. Because of the tremendous cost associated with resurvey and corner remonumentation, it will be the BLM policy to do survey work on an as-needed basis.

5. If livestock grazing is found to be an unsuitable use, grazing leases will not be issued and existing levels of wildlife use will, in most cases, automatically continue. However, if wildlife values are deemed to be of high enough value, then some fencing may be done.

6. Avoidance, such as with slant drilling, and restoration of woodlands are examples of mitigation of impacts to woodlands. However, it will be more appropriate to develop specific mitigating actions when the selected area for development and nature of the impact are known. The Dickinson District oil and gas programmatic environmental assessment has identified mitigation measures which will be used in oil and gas development.

RECEIVED
USDI JUL 22 1980 BLM
DICKINSON, N.D.
ACTION FILE

112 1st Street
Glendive, Montana 59330
July 20, 1980

Bureau of Land Management
Dickinson District Office
P.O. Box 1229
Dickinson, ND 58601

Dear Sirs:

I would like to comment on your West Central North Dakota Management Framework Plan. I am opposed to the development of coal on lands where private owners hold surface rights only and the government holds the mineral rights. Also the scattered federal mineral holdings should not be a means to force private landowners to lease their land or force them to sell their rights. 1

In your MFP you have identified an area northwest of Garrison, N.D. for coal development. As an individual with farming interests in Township 149, Range 83 , I am strongly opposed to any development in this area. The soils are excellent and their is good livestock water. Farming and ranching are the best uses of this land and production of the nation's food should stand above the short term gain of raping the land for poor quality coal. 2

I am strongly opposed to the scale of development proposed in your MFP. If the federal government wants to develope coal stay in the east or go further out west -where the govertment owns most all the surface and subsurface rights. Leave the most productive land to provide food for the future. A few federal mineral rights scattered all over are not a very good reason to mine it all. 3

Mike Carlson

Mike Carlson

Response to Mike Carlson's Letter Dated July 20, 1980

1. If surface owners oppose the development of coal beneath their land, it will not be developed--provided that they have not already signed a surface (coal) lease agreement. The Surface Mining Control and Reclamation Act has given surface owners the right to veto mining of federal coal under their surface lands. Surface owners whose lands are not covered by surface coal leases will be sent a refusal-to-consent form. Filing this form removes the affected lands from further consideration for leasing for the life of the land use plan (up to ten years). By filing the refusal to consent, a landowner surrenders the option of changing his/her mind on the question of giving consent for coal mining. Even though a refusal to consent has not been filed for a particular parcel over federal coal, the underlying coal cannot be mined until consent is obtained from the surface owner.

2. The management framework plan is only one of the steps in the Federal Coal Management Program. During the steps yet to be taken, specific tracts within the deposit will be evaluated, and the importance of other uses of the land will be considered. This evaluation will take into account agriculture and stock raising.

3. The MFP does not propose any scale of development. Through the Federal Coal Management Program, the BLM is looking at federal coal in all federal coal supply regions to determine which areas are suitable for leasing.

United States Department of the Interior

NATIONAL PARK SERVICE
ROCKY MOUNTAIN REGIONAL OFFICE
655 Parfet Street
P.O. BOX 25287
Denver, Colorado 80225

IN REPLY REFER TO

N3615 (RMR)PC

JUN 10 1980

USGS JUN 16 1980
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Memorandum

To: District Manager, Bureau of Land Management, Dickenson District Office, Dickenson, North Dakota

From: Associate Regional Director, Planning and Resource Preservation, Rocky Mountain Region

Subject: West-Central North Dakota Management Framework Plan Recommendations

We have reviewed the subject recommendations. Recognizing the Bureau of Land Management mandate to implement the Federal coal management program, the recommendations do not appear to directly affect units of the National Park System. However, if the leases are implemented, we urge strict controls and application of proper techniques to reduce dust and other air quality pollutants and to appropriately reclaim strip-mined sites.

These controls are especially important in the Washburn and Stanton-Center coal deposit areas and in the Dickenson coal deposit area. The first two areas could have the secondary effects of air pollution and aesthetic degradation on the Knife River Indian Villages National Historic Site which adjoins the north side of the town of Stanton. Similar effects could be noticed in the Dickenson area by visitors to Theodore Roosevelt National Park, about 10 miles west of the town of Belfield.

Additionally, the Regional Director of our Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102, is preparing a comprehensive plan for the Lewis and Clark National Historic Trail which follows the Missouri River through North Dakota. The final designated route of the trail could cross the Washburn coal deposit area. You may wish to contact that Regional Director for any concerns he may have.

Richard A. Strait

CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

Response to National Park Service's Letter Dated June 10, 1980

The concerns of the Park Service directly reflect the concerns of the Bureau of Land Management. The control of air pollution from strip mining and the successful reclamation of strip mined sites are two of our highest priorities. However, it must be recognized that the Bureau has little of no control over these functions.

The State of North Dakota and the Office of Surface Mining have direct control over possible air pollution when strip mining begins. They also have direct control over reclamation of strip mined sites.

The Lewis and Clark Trail has been taken into account in the Bureau of Land Management planning documents for McLean County, North Dakota. Additionally, contact will be made and maintained with the Regional Director of the National Park Service, Midwest Regional Office, to coordinate the routing of the Lewis and Clark Trail.

north dakota parks and recreation

NORTH DAKOTA PARKS AND RECREATION DEPARTMENT

Fort Lincoln State Park
Route 2 Box 139
Mandan, North Dakota 58554
Phone (701) 663-9571

July 21, 1980

Mr. Charles Steele
District Manager
Bureau of Land Management
P.O. Box 1229, Pulver Hall
Dickinson, ND 58601

RECEIVED
USGS JUL 22 1980 BLM
DICKINSON, N.D.
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Dear Mr. Steele:

This is in response to the recommendations made in the West Central North Dakota Management Framework Plan, and represent this Department's concerns regarding same.

Generally, we will support actions which will increase the public recreation estate. Lands which border existing parks and recreation areas are logical inclusions to a particular system and should be given priority consideration. We would be willing to work with your representative on a case by case basis to involve those areas which have recreation potential in a study effort to determine the appropriate future for each.

As administrators of the State Nature Preserve Program, we are also concerned that areas which typify North Dakota's natural heritage receive attention and monitoring for educational and scientific purposes. Those sites which you feel may have a special unique character are those which should be looked at first.

Thank you for the opportunity to review and comment on your recommendations. Your proposed actions reflect a great deal of time and effort.

Sincerely,

Tim Mueller
Director, Recreation Division

TM/kd

Response to
North Dakota Parks and Recreation's Letter Dated July 21, 1980

We will be glad to work with the North Dakota Parks and Recreation Department to determine potential for recreation and natural heritage preservation on the appropriate tracts of land.

July 24, 1980

Bureau of Land Management
Dickinson District Office
P.O. Box 1229
Dickinson, N.D. 58601

Dear

As I could not be at the meeting at Hazen, July 22, 1980, I had to write instead.

I am affected immensely by coal mining under federally owned coal rights.

I have two quarters, NE¼ 12, 145, 88 and NE¼, 18, 145, 87 of federally owned coal. My farm is located on the quarter of section 18, NE¼, 145, 87.

I signed no coal lease that leased the surface the federal government leased the coal. I want to save my farm. This coal mining on such a large scale is mainly for profit for the company, Gulf, and is taking agricultural land out of production. This county needs assurance of food more than energy as we can go longer without energy than food.

I was born on this farm. My dad had it before him. I could not sign up for the "secure county." Concessions guaranteed access to my farm for as long as they use it. I was only guaranteed access to my farm until they are ready to move to the next Am Coal Co. pit. Attorney, Ernest Dick, said that I might not move until I think it is my property and between me and the coal company anyway.

If we mine my pasture land, that is used I want my damages paid off. I would like to be reclaimed

about saving the farm. I would get only five cents per ton because of surface damages. The increase to my situation is counted to pay me for years that the land is expected out of production.

But to be able to save my farm, I like my home. I feel settled here and now I know I was going to find a few other things but so much for right. Here are my rights. This is my heritage.

I feel the recessions are being used to get me out. They all keep saying I will be fully compensated but I am told at their auctions are different, as they contend that two cents a ton is plenty enough. I use to say I could on really farm and ranch that and anyway.

They told me I could contest this full compensation figure should they move under the buildings, they said I can take it to court. But they can persuade the court like they have done the concessions and use their authorities and say I am fully compensated. I don't may not be backed up if they could show more need of coal going to court and still not feeling satisfied for full compensation and they (U.S. Am Coal Attorney Ernest) said that they could close my road down if I am still living there.

I have been made by U.S. Am Coal to feel that I have hardly enough to do and they take many future rights all my life on this land. They use to be good neighbors and are now avoiding me out I would like help from the party that owns the coal.

Sincerely,
Albert J. Boeckel

Response to
Mr. Albert Boeckel's Letter Dated July 21, 1980

1. Mr. Boeckel's farmstead is located on land covered by a surface lease agreement with a coal company, and there is a federal coal lease on the underlying coal. The question of whether or not the coal company can mine the coal under his home and associated buildings involves legal interpretations. The first interpretation concerns the wording of the surface lease agreement as to whether or not all the coal could be mined and whether compensation allowed for removal or destruction of the buildings. The BLM cannot render a legal opinion concerning this wording.

   The second legal interpretation has to do with the application of Unsuitability Criterion 3, which states that lands within 300 feet of an occupied building shall be considered unsuitable for mining. An exception can be applied where owners of occupied buildings give written permission to mine within 300 feet of their buildings.

   It is the Secretary of Interior's policy to apply unsuitability criteria on existing federal coal leases granted prior to the adoption of the unsuitability criteria in July, 1979 at mining plan application time and, where appropriate, exclude areas from mining. The legal question that arises in Mr. Boeckel's situation is whether or not previously granted permission in the surface lease agreement (if such is found to exist) carries forward as permission for the exception to the unsuitability criterion. Also, there is a question as to whether or not the recently established unsuitability criterion can override the terms and conditions of an existing federal lease.

   These concerns and questions will be forwarded to the Department of Interior Solicitor's Office for legal opinion. Mr. Boeckel will be informed of that opinion.

July 21, 1980

Chuck Steele, District Manager
Bureau of Land Management
Box 1229
Dickinson, ND 58601

RECEIVED
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DICKINSON, N. D.
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Dear Mr. Steele:

I am writing to express my opinion that the so-called West Central North Dakota Management Framework Plan appears, in its present form, to be little more than a plan to lease and develop as much coal as possible without regard for the most important resource we have in North Dakota...agriculture. 1

It's an outrageous injustice for the BLM to count landowners who didn't respond to the surface owners consultation letter, or who have already leased their surface, as being unopposed to Federal leasing. This places an unfair burden of proof on those opposed, while those who aren't opposed or are in favor don't have to respond to have their votes counted. The BLM's thinking on this is totally illogical. 2

In a democracy, the government is supposedly designed to protect the people and their livelihoods from unnecessary harm. This MFP is a case in point of how government has become unresponsive to the needs of the people and caters instead to the demands of a powerful few. Many people, far beyond the borders of North Dakota stand to be victimized by decisions such as these as we move closer to the reality of corporate socialism and away from concern for the common man.

The long term consequences of these decisions are staggering. I hope you can see what damage may befall us before it's too late.

Sincerely,

William Bernhardt
Taylor, ND 58656

Response to
William Bernhardt's Letter Dated July 21, 1980

1. The West-Central North Dakota Management Framework Plan does not recommend leasing or developing coal. It identifies "areas acceptable for further consideration for leasing" and excludes certain areas from further consideration through application of the unsuitability criteria. Leasing recommendations will be made during activity planning, which follows management framework planning. Impacts on agriculture will be analyzed during the activity planning stage.

2. Landowners who did not respond to surface owner consultation letters were not counted as being either opposed or unopposed to federal coal leasing. However, in accordance with 43 CFR 3420.2-1 (e)(2), any surface owner who has previously granted written consent to any party to mine by other than underground mining techniques shall be deemed to have expressed a preference in favor of mining.

AtlanticRichfieldCompany

555 17th Street
Denver, Colorado 80202
Telephone 303 575 7577

J R Mitchell
Public Lands Coordinator

July 18, 1980

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DICKINSON, N. D.
ACTION ____ FILE ____

Mr. Charles E. Steele
District Manager
Bureau of Land Management
Pulver Hall - DSC Campus
P. O. Box 1229
Dickinson, North Dakota 58601

RE: West-Central North Dakota
Management Framework Plan

Dear Mr. Steele:

Atlantic Richfield appreciates the opportunity to provide the Bureau of Land Management (BLM) with our comments regarding the West-Central North Dakota Management Framework Plan (MFP). We believe that the area covered by this MFP possesses significant oil, gas, and low temperature geothermal resource potential. Accordingly, we recommend that any management plan developed by the BLM provide for full access for the exploration and development of these resources.

The West-Central North Dakota area is rapidly becoming one of the most active oil and gas exploratory areas in the state. In the next few years, it could become the most active area within the state, since it is located in the center of the Williston Basin, which has not been fully explored up to this point. In addition, we consider the five counties contained in the MFP as a high priority area for our future exploration effort in the Williston Basin.

Further, from a geothermal resource standpoint, the Williston Basin has a potential for producing low temperature (less than 90° C) waters from the Mississippi and Madison formations (see attached map). As additional oil and gas exploration wells are drilled, the presence of this resource will be confirmed and, undoubtedly, will prove to be of considerable value to local communities.

Atlantic Richfield currently has under lease certain state lands in Mercer and Oliver Counties. None of our acreage is involved in the area described in the Multiple-Use Recommendations or the Surface and Mineral Estate Recommendations. Therefore, the BLM action should have no immediate impact on ARCO Oil and Gas Company's exploration

effort in the area. However, it would indeed be unfortunate, as exploration activities expand, if urgently needed energy resource development were precluded due to overly restrictive constraints. Failure to provide in the MFP for exploration and development access may limit energy resource development and further limit the nation's domestic energy supply and increase the dependence on insecure foreign imports.

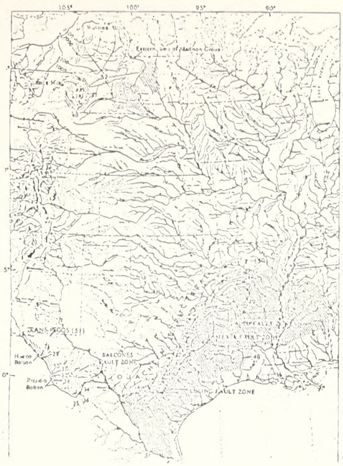
Even though the BLM has recognized oil and gas potential in their MFP, Atlantic Richfield Company recommends that this potential be recognized further and that provisions be provided in the plan that would allow exploration access and appropriate development of any discovery throughout the MFP area. Additionally, we recommend that the BLM recognize the low temperature geothermal resource potential and include in its plans appropriate provisions that will allow the development of this resource. 1

Again we appreciate this opportunity to comment. If further information is required, please don't hesitate to contact us. 2

Sincerely,

J. R. Mitchell

JRM/CMM:bbf
Attachment



3

EXPLANATION

Area most favorable for the discovery and development of local sources of low-temperature (< 90°C) thermal water—Based on above-normal thermal gradients and heat flows measured in wells and test holes, and the known or inferred presence of extensive thermal aquifers at depths less than 1 km. See table 14 for description of these areas

48 Area where thermal gradients measured in wells and test holes are generally above normal and where some wells may produce thermal water from depths less than 1 km—In c[illegible]ast to the "most favorable" areas, these areas have lower permeabilities in most aquifers, greater depth of occurrence or more limited areal extent of thermal waters, or inadequate information. See table 14 for descriptions of areas

Ouachita structural belt

—1000— Structure contour—Drawn on top of Madison Group, North and South Dakota. Depths in meters below land surface. Contour interval 500 m

26. Thermal spring having a surface temperature of 30°C or more (18°C or more in South Dakota)—Number refers to sequence in table 13

⊕49 Area of thermal brine wells in southwest Arkansas—Number refers to sequence in tab[illegible] 4

• Location of well in the Ouachita structural belt of Texas known to have above-normal thermal gradient and water temperature at depth less than 1 km

Assessment of Geothermal Resources of the United States -- 1978. L. J. P. Muffler, Editor. Geological Survey Circular 790.

Response to
Atlantic Richfield Company's Letter Dated July 18, 1980

1. This will be corrected. The MFP will be changed to indicate that exploration and development will be allowed.

2. At present, very little is known about the geothermal resources in the planning area. In addition, the BLM only controls 5,500 acres of land which might be underlain by the resources. For these reasons, it was felt this resource would best be handled on a case-by-case basis.

BURLINGTON NORTHERN

ENERGY AND MINERALS DEPARTMENT
COAL AND MINERALS DIVISION

800 First Northwestern Bank Center
175 North 27th Street
Billings, Montana 59101
Telephone (406) 259-4521

July 21, 1980

Bureau of Land Management
Dickinson District
P.O. Box 1229, Pulver Hall
Dickinson, North Dakota 58601

Comments on: West-Central North Dakota Management Framework Plan Recommendations, May 1980.

Burlington Northern Inc. is pleased to have the opportunity to comment on the Bureau of Land Management's recommendations for the MFP covering west-central North Dakota. We commend the BLM for its multiple use recommendations for the resources covered in this study. Since our Company's mineral ownership in North Dakota is generally intermingled with federal mineral ownership, decisions affecting the availability of federal coal may directly influence the development or non-development of BN coal.

1. Burlington Northern appreciates that these BLM recommendations have not excluded any of the identified coal areas from mining at this early stage in the planning process. We are in particular agreement with your statement that "an assessment of the impact of BLM proposals on resources of other ownerships or responsibilities has to be made". Such impact could be especially critical in the Dickinson Area where much of BN's coal ownerships are currently under lease.

2. We would prefer to see the "negative process" eliminated from the evaluation of areas that are being considered for coal leasing. Since the Federal government's policy is to encourage the use of more coal, shouldn't the BLM address the question of why coal should be mined in a given area, rather than why it should not be mined?

Bureau of Land Management
July 21, 1980
Page 2.

3. The first screening requirement, described in the introduction, is deficient. Areas would be eliminated from development consideration if the coal did not have high to medium potential, based upon the ratio of depth of overburden to coal thickness. This limits consideration to surface mineable coal and would eliminate any coal mineable by underground methods or in situ gasification techniques, the latter which might be used in viable, alternative synfuels development.

4. Burlington Northern takes exception to the total exclusion of coal development in the Little Missouri National Grasslands. The BLM is the leasing agency for coal in the Grasslands, and should not abrograte its authority to surface management policy of the U.S. Forest Service in a manner that would be inconsistent with multiple use concepts. Development in the Grasslands should be determined on a site-specific basis.

5. As with all the MFP's on which it has commented, BN must, as a matter of policy, continue to question BLM's utilization of the surface owner consultation process. By application of the "qualified" surface owner criteria, our response is never considered at all, whereas it should be made a matter of record. When we own surface, and are taxed for that right, we believe that our preferences deserve equal consideration to that given all other surface owners.

6. When the alluvial valley unsuitability criterion is used to exclude an area from coal development, the area affected should be accurately defined at that time. It is not reasonable to delay this identification until the activity planning or mine planning stage as it may result in an expenditure of appreciable funds which could well have been spent to better advantage elsewhere. As the BLM has pointed out in this MFP, the alluvial valley unsuitability criterion could affect 50% of the federal ownership in the study areas, and this evaluation would be that much more creditable if the alluvial valley limits were precisely defined at the earliest possible stage in the planning process.

Burlington Northern will continue to follow the progress of this West-Central North Dakota MFP, and make appropriate comments when necessary.

Respectfully,

E. E. Reed
Assistant Vice President

HER/RLB/ajs

Response to
Burlington Northern's Letter Dated July 21, 1980

(Responses numbered to correspond to paragraph numbers).

1. No response required.

2. The BLM coal management regulations provide a screening process within the land use planning process (43 CFR 3420.2). Although the federal government's policy is to encourage the use of more coal, the purpose of the land use planning process is essentially a negative screening process designed to identify areas which are unsuitable for mining. The planning recommendations are not designed to "push" coal and are not directly influenced by leasing targets or the need to lease in particular areas except under specified circumstances.

3. Since, under present technology, surface mining is the accepted normal practice for developing lignite coal, the high to medium development potential coal was identified to facilitate planning for that type of development. Should other technologies for mining lignite be developed, then the low potential coal will be included in planning.

4. The BLM is the leasing agency for coal in the Little Missouri National Grasslands; however, the leasing must be done in coordination with the surface management agency, the U.S. Forest Service. The Forest Service has a land use plan for the Little Missouri National Grasslands which excludes coal development. The BLM has reviewed that plan and feels it is viable until a new plan (due 1983) has been completed using the procedures in the new Federal Coal Management Program. BLM will be a participant in that plan, in accordance with the recently initiated memorandum of understanding between the Departments of Agriculture and Interior, providing for the coordination of activities pursuant to the Federal Coal Management Program.

5. Burlington Northern Inc. does not meet the requirements of a "qualified surface owner" under Section 714(e) of the Surface Mining Control and Reclamation Act of 1977. BN's preference is recognized and recorded by BLM; however, since BN is not qualified as a surface owner, its view is not displayed on decision maps and statistics. Section 714 is essentially designed to protect the surface rights of ranchers and farmers. All surface owners also receive consideration under certain provisions of the Federal Coal Leasing Amendments Act.

6. Final determination of alluvial valley floors is a very expensive and time consuming process. The coal regulation for alluvial valley floors (43 CFR 3461.3-1(b)(1)) was specifically written to allow delayed application of the criterion. The preamble to the

coal regulations also describes the rationale for this deferred application (FR, Vol. 44, No. 140, July 19, 1979, page 42604). The required field studies will be done only on those areas which are seriously considered for leasing during activity planning or prior to mine plan approval on leased tacts.

D. L. Young
820 Bell Ave.
Dickinson, ND 58601
July 18, 1980

Bureau of Land Management
P.O. Box 1229
Dickinson, ND 58601

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Gentlemen:

After reviewing the West-Central North Dakota Management Framework Plan, I have the following comments to make.

Considering the overall direction given in the various parts of the MFP it sounds like its full bore ahead for energy development — all other resources watch out! No significant concessions to other resource values were made. Only where federal laws extend direction such as for floodplains and endangered species were any concessions made on the part of energy development. I don't believe this one-sided emphasis of energy development is in accordance with the intent of the 1977 Federal Land Policy and Management Act which directs the BLM to consider all resources. 1

If the BLM has goals or targets at the national, state, district or area level for acres of coal leased, barrels of oil produced, etc. these should be displayed in the document so the reader can understand how the West-Central ND MFP fits into these goals or targets. If, as I suspect, there are no established goals or targets 2

1

2

it becomes even more difficult to accept the over emphasis on energy development at the expense of other valuable resources.

In numerous places agricultural trespass on BLM lands is suspected and the management direction given is to legalize the trespass use. I strongly oppose such direction. If it is an illegal use then terminate the use and make the responsible party restore the land to its original native vegetation. Because a farmer/rancher has used a piece of public land for so long that it is considered to be an integral part of his farm/ranch operation, does not legalize the continued private use. 3

In the section on the Lost Bridge Management Area a statement is made to the effect that since the range is in good condition for livestock it is also good for wildlife. Such sweeping generalizations are not true. Habitat requirements vary widely among wildlife species so what is good for one may often be bad for another. Good antelope habitat is poor white-tailed deer habitat, for example. A piece of grazed range composed entirely of grasses and forbs may be in good condition for cows and be good habitat for cheatmen-collared longspurs but it won't support any ruffed sided lawhens. To adequately describe the condition of wildlife habitat it would be necessary for a wildlife biologist, not a range conservationist, to inspect and evaluate the condition, extent, and arrangement of the various habitat types as well as other factors influencing those habitats. 4

3

While on the subject of range condition, how was it determined? No mention was made of whether a complete range analysis was done or just an ocular estimate. 5

On page LB20 the statement is made that "wildlife management is not for the purpose of wildlife itself but for the utility and enjoyment by man either through observing, picture taking, or hunting. Providing access will help achieve this use." The first sentence shows a lack of knowledge of ecosystem functions as well as the attitude that if a wildlife species is of no direct value to man or conflicts with our self-centered interests then that species is of no value and not worthy of management. This is the same attitude that has led to directly to endangered species. 6

The second part of the statement deals with increasing access. Increased access normally decreases the value of an area as wildlife habitat and may offset any gains made by habitat management projects. Species such as raptors and big game have been proven to be sensitive to increased access. 7

Please give my comments careful consideration before the MFP is finalized.

Yours truly,

D. Lewis Young

Response to
D. Lewis Young's Letter Dated July 18, 1980

1. The MFP does not give "full bore ahead" direction for energy development. It identifies "areas acceptable for further consideration for leasing" and excludes other areas from further consideration. It must be kept in mind, however, that the overall purpose of the Federal Coal Management program is to identify areas suitable or not suitable for leasing and to lease where appropriate. The MFP process is part of that program.

   The coal management program does call for the consideration of other resources. This is being done. In the case of split estate, where the only resource owned by the federal government is coal, then consideration of the other resources comes primarily in the form of impact assessment, since BLM cannot plan for the use of the other (privately owned) resources. With the primary resource addressed in the West-Central MFP being split-estate coal, it could appear to some that the purpose of the plan is energy development.

2. At present, there are no federal production targets or goals for oil and gas. There are, however, production and leasing targets for coal being developed for the Fort Union Coal Supply Region. These targets will be used in the tract selection phase of planning.

3. It is not the BLM's intent to simply "legalize the trespass use"; however, in making a management decision as to the use of land, traditional use is always a factor which must be considered. The public lands are to be managed for multiple use and the Federal Land Management and Policy Act of 1976 has added agricultural leasing as a new management tool to the more traditional uses, such as grazing, recreation, watershed, etc., which are commonly associated with the public lands.

   The BLM will make a detailed investigation and analysis of each suspected trespass. After the analysis is completed (and only then) final land use decision will be made.

   To clarify the agricultural leasing recommendation, it has been rewritten to read as follows:

   > Do not allow agricultural leasing along the Little Missouri River bottom, except where it is determined that existing agricultural activity is a viable land use. Any agricultural use will be limited to crops that will provide a permanent vegetative cover, such as the raising and harvesting of hay.

4. The comment about good livestock range being good wildlife range may be too general in nature; therefore, the MFP text will be modified to clearly address livestock only, and references to wildlife habitat values relative to livestock range condition will be deleted. The sentence beginning on line 13 of the third paragraph on page LB14 (MFP information packet) is changed to "Since the range condition (for livestock) of the area is in good or better condition, livestock grazing levels will not be changed at this time." The following words from the third sentence of the third paragraph on page LB 8 are deleted: "and at the same time reflects a balance of livestock and wildlife use."

5. Range conditions for the Lost Bridge Management Area were based on field observations made during the summers of 1977 and 1979 by BLM personnel. In the early 60's, the George Fenton allotment was covered by a Soil Conservation Service range survey. The upland portion, which is mostly BLM, was rated mostly good or excellent condition.

6. The justification statement in this plan section will be modified to "wildlife resources have a high value for man's utility and enjoyment".

7. We agree that "increased access normally decreases the value of an area as wildlife habitat and may offset any gains made by habitat management projects." This area is a critically sensitive wildlife habitat, presently supporting or possibly supporting equally sensitive species. Public access will be addressed in habitat management plans or through environmental assessments if public access development is proposed for the area.

VARIETY IN HUNTING AND FISHING

NORTH DAKOTA GAME AND FISH DEPARTMENT

2121 LOVETT AVE. BISMARCK, N. DAK. 58505 PHONE 701 224 2180

July 17, 1980

RECEIVED JUL 18 1980 BLM DICKINSON, N.D.

ACTION FILE

Mr. Charles E. Steele
District Manager
Bureau of Land Management
PO Box 1229, Pulver Hall
Dickinson, ND 58601

Re: MEI/DOO 1608 W-C PPF
West Central North Dakota
Management Framework Plan

Dear Mr. Steele:

We have reviewed the above referenced plan and our comments are as follows:

1. We are concerned that your approach to illegal trespass and the resolution thereof will encourage similar activities in the future. The fact that illegal trespass has occurred should have no bearing on the future management plans of the lands in question. To simply authorize illegal trespass thereby making it legal, and very simple, appears to diminish the goals of proper management for public lands placed in your trust. 1

2. Several times in the plan(s) the mention of the compatibility of grazing and wildlife was made. While at certain rates of grazing wildlife and cattle are compatible, it should be made clear that cattle are not a good wildlife management tool. Under certain situations when cattle are used as a tool, it is only on a short intense basis and then followed by several years rest. The department requests that as grazing allotments are formulated, we have input into the allotment plan. 2

3. Multiple use is an excellent concept, however, it often isn't implemented in the spirit for which it was intended. If wildlife is to be of equal concern on the same level as petroleum and ranching, 3

Larry L. Kruckenberg, Commissioner — Keith Trego, Deputy Commissioner

Charles Steele
July 17, 1980
Page 2

then the latter two must be kept below optimum for their respective industries. We don't want to see maximum oil and gas production, maximum livestock usage and have wildlife get what's left, which is generally very little. If that is what is to occur, we request that you do not reference in your plan a multiple use approach with wildlife management as one of the goals. Wildlife values would be minimum to non-existent. 3

4. We strongly recommend against the creation of "recreational" development in the Lost Bridge Management Area. Wildlife such as bighorn sheep, are not compatible with a proliferation of roads, trails, oil wells, etc. This area has the potential for being of great value for bighorn transplants, mule deer production, pronghorn production, and general wildlife values in a semi-pastoral setting. We believe this area should be managed in a roadless manner and all development stopped in order to maintain wildlife values in a natural area. 4

We appreciate the opportunity to comment and hope that our concerns are addressed in your final management plan.

Sincerely,

for Larry L. Kruckenberg
Commissioner

M:LLK:dk

cc: Kobriger (G&F)
Jankowski
Goetz
Dekker
Renhowe
Schaller
Horne (Parks & Recreation

Response to
North Dakota Game and Fish Department's Letter Dated July 17, 1980

1. It is not the BLM's intent "to simply authorize trespass thereby making it legal". In making a management decision as to the use of land, traditional use is always a factor which must be considered. The public lands are to be managed for multiple use and the Federal Land Management and Policy Act of 1976 has added agricultural leasing as a new management tool to the more traditional uses such as grazing, recreation, watershed, etc., which are commonly associated with the public lands.

   The BLM will make a detailed investigation and analysis of each suspected trespass. Only after the analysis is completed will a final land use decision be made.

   To clarify the agricultural leasing recommendation, it has been rewritten to read as follows:

   > Do not allow agricultural leasing along the Little Missouri River bottom except where it is determined that existing agricultural activity is a viable land use. Any agricultural use will be limited to crops that will provide a permanent vegetative cover, such as the raising and harvesting of hay.

2. We agree that livestock and wildlife resources are not always compatible. There are, however, circumstances for which livestock can be used as a wildlife management tool. This requires intensive manipulation through fence and water placement and strict season of livestock use controls and numbers.

   The livestock environmental impact statement for BLM administered surface lands in North Dakota is due for completion by 1987. We will be engaged in securing the field inventory data about two years prior to that, and will be preparing the draft statement in 1986. We will seek your cooperation in development of Allotment Management Plans if any are developed for this area, and you will, of course, be contacted for input in the grazing EIS.

3. For the purpose of BLM planning, "multiple use" does not mean every use of every acre. It is multiple use of all BLM lands and resources in total. This concept means that there may be specific areas where only a single use can occur, and specific areas where varying combinations of two or more uses can be allowed.

   The overall goal of multiple use is to get as many uses as possible out of every acre of land. However, because of the nature of many resources and the public need for them, "many uses" are not always achievable and a balanced use does not occur.

Livestock grazing is a historic, well-accepted use of the area. Our planning efforts have not surfaced reasons for curtailing any of those operations. It is the BLM's intent to allow oil and gas development where appropriate. However, wildlife and other resources in the area must be considered. Grazing and oil and gas activities will be handled to reduce impacts on these other resources as much as possible.

In the near future, we intend to prepare habitat management plans for the area. In these, we can develop wildlife habitat management objectives for which we will propose specific action plans. The North Dakota Game and Fish Department will definitely be invited to participate in the formulation of these plans.

4. To date, BLM has no active program to develop more public access or any specific recreation sites. When, and if, such actions are proposed, we will be required to complete an environmental analysis on each action and will definitely solicit your cooperation at the inception of the proposal. It is possible that limited development could be done for the benefit of canoeists on the Little Missouri Scenic River. Any action of this nature will be in cooperation with the North Dakota Department of Parks and Recreation and the North Dakota Game and Fish Department.

   There are numerous roads and trails in the area which cross both public and private land. These provide sufficient access for wildlife resources management at present. Legal access is limited for the general public, but the hunting public probably has enough access to meet the need. We recognize that the Little Missouri Badlands provide critical habitat for isolation species such as raptors and bighorn sheep. Their needs will be addressed in the analysis for any recreation developments.

Beulah North Dakota

July 16 1980

Bureau of Land Management
P. O. Box 1229 Dubar Hill
Dickinson, North Dakota 5860

RECEIVED
USDI JUL 22 1980 BLM
DICKINSON, N.D.
ACTION FILE

RE my comments
from July 22

Gentlemen:

This is in regard to the South Beulah Coal Report. The map I received by certified mail shows the southern (central) boundary just by passing Section 6 142 - 87, which would cause me no worry for this development period.

However, one of your maps drew the lines a few acres down into the north ½ of the SE ¼ of Section 6 - which comes directly across the farmstead which that I still occupy. I have cattle and their windbreaks are there, and I have other farm lands on Sec 5 & 6 as well. So it really would create an undue hardship for me and my business if you were to include these acres now.

-50-

1

2

No doubt, expansion will be coming at a later date anyway. I guess I'll be up against it twice.

1

My parents filed their claims for this homestead in late March or April 1906. Maybe the processing was slow - or why was the right to coal withheld since that was before July 1906?

2

I'm so very sorry and heartbroken because I heard. It was told that because the Federal government owned the coal rights, they (the gov) could come in and mine it more cheaper than if I would lease to this far away (Penn) company. I thought it wasn't right for me to lease at since it wasn't mine - so they had an attorney draw it up to assure me it was o.k. Then when I tried to get it cancelled, I couldn't. What they wanted was the surface owners signature!!

3

I'm afraid the search for fuel can be quite

-51-

Response to
Margie Emig's Letter Dated July 16, 1980

1. Because the US Geological Survey has determined that the stated tract of land overlies moderate coal potential, it will not be excluded from further leasing consideration at this time. This determination is based on the existence of moderate potential coal and not on the exact placement of a line on a map. However, concerns about the possible effects of coal mining on farm or ranch operators--especially if farm or ranch units would be fractured--will be carefully assessed during the site-specific analysis phase. It is anticipated that this study will be completed by June 1, 1981. The degree of these impacts will play a major role in any leasing decision. Severe impacts to individual ranchers and farmers could result in leasing being deferred to a later date or no leasing occurring at all.

2. The Homestead Act of 1862 authorized settlement on Public Lands by requiring residence, cultivation, and some improvement of the 160-acre tracts before title was given. The homesteader could choose between two methods of obtaining title: after living on the land and farming it for six months, one could purchase the homestead at $1.25 per acre; or after five continuous years of operation, one could receive a patent on the land for a filing fee of only $15.00. Many chose the second method. A record search shows that a patent was issued to Ezra W. Emig for T142N, R87W, Section 6, NE¼NE¼ on April 27, 1912. Coal was reserved to the US after the 1909 Enlarged Homestead Act.

3. Your concern over the coal lease is understandable; however, the BLM has no control over agreements reached between two private parties.

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Beulah N. D.

RECEIVED
USDI JUL 25 1980 BLM
DICKINSON, N.D.
ACTION FILE

July 23, 1980

B. L. M.
Dickinson, N. D.

Gentlemen:

This will inform you that there are three wells and two springs on Section 6 T 142 - R 87 (to help you decide to please exclude those acres in planning development at this time)

Thanks again to that one fellow who saw fit to extend the time for comments a few days.

Also thank you for the information you sent to me

Respectfully,
Margie Emig

-53-

Response to
Margie Entz's letter Dated July 23, 1980

1. The BLM appreciates the additional information regarding springs and wells in Section 6, T142N, R87W. This information will be used during the site-specific analysis stage of activity planning.

THE NORTH AMERICAN COAL CORPORATION
WESTERN DIVISION
KIRKWOOD OFFICE TOWER * BISMARCK, NORTH DAKOTA 58501 * (701) 258-2200

ROBERT E. MURRAY
PRESIDENT

July 22, 1980

Mr. Charles E. Steele
District Manager
Bureau of Land Management
U. S. Department of Interior
P. O. Box 1229
235 Sims
Dickinson, North Dakota 58601

Dear Mr. Steele:

The North American Coal Corporation, including its subsidiaries, The Falkirk Mining and Coteau Properties Companies, is pleased to have this opportunity to comment on the West-Central North Dakota Management Framework Plan Recommendations, which were published in May, 1980.

Our comments are as follows:

1. West-Central Management Framework Plan (W-C MFP) Coal Deposit Map:

   While the map depicts the boundary of the area encompassed by the W-C MFP and shows twelve (12) coal deposits in and including some or all of Billings, Dunn, McLean, Mercer, Oliver, and Stark Counties, the area encompassed by the W-C MFP contains coal reserves in addition to the outlined or designated deposits. Consequently, we recommend that the W-C MFP specifically acknowledge that the delineated deposits do not cover the entire coal reserves likely to exist within this area.

2. Multiple-Use Recommendations - M-1,1 through M-1,12:

   Criterion 17 (Municipal Watersheds) has been applied to "Recommendation Area M-1,1 -

Dickinson Deposit", and a substantial number of split-estate tracts have been identified on the Dickinson Area Coal Deposit Map as "Lands Unsuitable, with Application of Exceptions Deferred".

While we acknowledge that Section 522(a) (3) (c) of the Federal Surface Mining Control and Reclamation Act of 1977; the Safe Drinking Water Act, and the Federal Water Pollution Control Act were generally cited as the discretionary "statutory source" in the Final Environmental Statement for the Federal Coal Management Program, we do not find any specific authority in either Federal or State statutes or regulations for the application of Criterion 17. Further, even if some inferred authority could be construed to exist, we have been unable to ascertain by what procedures or appropriate administrative action any Federal lands within Recommendation Area M-1,1 - Dickinson Deposit have been "committed" by the surface management agency to use as a "municipal watershed". Consequently, and on the basis of lack of legal authority, we strongly recommend that this recommendation of lands unsuitable pursuant to Criterion 17 be deleted. 1

Even if it were established that such an unsuitability designation under Criterion 17 could prospectively be appropriate, we would further contend that there is absolutely no hydrologic or technical basis for the number of tracts designated as "unsuitable" in relation to the Dickinson water supply system. In particular, we cite the Patterson Lake Reservoir, which has a capacity of 5600 acre feet (currently being increased to 9200 acre feet). This reservoir is, we believe, to be supplied by runoff and by groundwater entering the Heart River within a few miles of the reservoir. Runoff from the remainder of the Heart River watershed flows through the Patterson Reservoir during times of high precipitation or snow melt and contributes very little to the Dickinson municipal 2

water supply, once this reservoir has reached its normal storage capacity. Thus, it would appear to be inappropriate to designate all of the lands within Recommendation Area M-1,1 - Dickinson Deposit as part of the Dickinson municipal watershed.

Our preliminary studies indicate a watershed area of 29 square miles is needed for the current reservoir capacity, or 58 square miles for the increased capacity. The approximate drainage areas for Patterson Lake are shown on Exhibit A, attachedherewith, and any designation of unsuitability at this time should be restricted to these areas.

This recommendation is also supported by our belief that surface mining operations in the Heart and Green River watersheds are unlikely to effect more that 2 percent to 4 percent of those watersheds at any point in time. While the Heart River watershed (above Patterson Lake) and the Green River watershed (above the proposed Versippi dam site) are, respectively, 400 and 344 square miles in extent, a major surface mine, i.e., producing 20 million tons of lignite per year, would only disturb about one square mile each year and would only have about five (5) square miles in various stages of reclamation at any time. 3

Thus, and by way of but one example, three (3) such operations could exist without disturbing more than approximately 2 percent of the watersheds, the vast majority of which would include lands in the process of being reclaimed, and not lands which would be subject to active mining operations. In addition, any such mines would have to operate under the Federal Office of Surface Mining permanent regulatory program, and, in particular, part 816.42 of the OSM regulations, which would require that a hydrologic balance be maintained in these watersheds. We further believe that mining would result in a higher quality of discharged water than presently exists from areas disturbed by agricultural usage.

Mr. Charles E. Steele
July 22, 1980
Page 4

While we recognize that, as stated on page SE 3 of the Recommendations, "exceptions will be addressed and applied during activity planning", we believe that this initial and unduly broad designation of unsuitability is unjustified and that it is only after appropriate designations of unsuitability (if any) have been made, based on sound hydrologic and technical data, that any exceptions should be considered. If such hydrologic and technical data is not currently available, it is equally inappropriate to first designate as unsuitable and then rely on the application of exceptions to correct any such unwarranted and/or unsupportable designations. 3

3. Multiple-Use Recommendations - M-1.1 through M-1.12:

Criterion 1 (Federal Land Systems) has been applied to M-1.10 - Underwood Deposit. Page SE 12 of the text states that the Federal Fish and Wildlife Service has easements on the W½ SE¼ and SE¼ SE¼ of Section 6 and the SE¼ of Section 24, T14ôN, R82W. The map of the Underwood-Washburn Coal Deposits shows Wetland Easements on the E½ SW¼ and SW¼ SE¼ of Section 6, T14ôN, R82W, and on the W½ SE¼ and E½ SW¼ of Section 24, T14ôN, R83W. From our data, we are unable to verify whether there is an inconsistency between the text and the map, or whether the text and map are intended to convey information with respect to separate tracts.

Very truly yours,

THE NORTH AMERICAN COAL CORPORATION

Robert E. Murray
President - Western Division

REM:df
Enc.

Response to
North American Coal Corporation's Letter Dated July 22, 1980

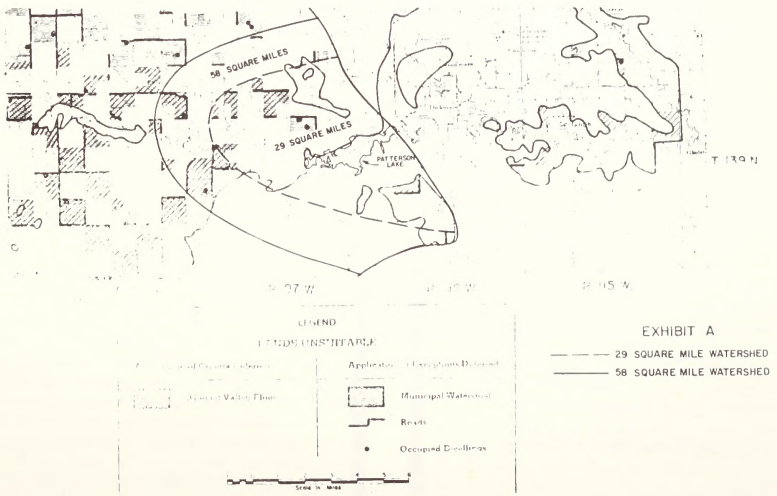
1. The North American Coal Corporation is right in stating that the West-Central MFP area contains coal reserves in addition to those delineated in the plan. The BLM can only recommend areas for further consideration for leasing that are known to have a moderate or high potential for development. All of the areas known by the BLM and the USGS to have a high or moderate potential for development were included when the MFP recommendations were formulated. When the planning process starts in the west-central area again, new high or moderate potential coal areas can be recommended.

2. The comment is correct that no procedural or administrative action apart from this plan has been taken to commit this area to municipal watershed use. We do, however, have the responsibility to manage the coal and protect the surface resources over the coal. Since the coal underlies lands of significant importance as a watershed, the lands are excluded under the surface resource trade-offs screen. The Green River watershed is being considered as a municipal watershed at this time, based on the proposed Versippi Dam to supply municipal water to Dickinson. No lands will be considered unsuitable in this area unless the city of Dickinson makes a definite commitment on this project.

There has been no specific study of hydrologic data made for this area such as the type the commentor suggests. If it is proposed that certain lands be given an "exception" from the exclusion, then detailed hydrological studies of the proposed lands must be completed, and the City of Dickinson would have to agree to the exception before any of the municipal watershed areas with federal coal could be leased for mining.

3. The map and text were in error and will be changed to show wetland easements on the following lands:

W½SE¼ and SE¼SE¼, Section 6, T14ôN, R82W;
SE¼, Section 24, T14ôN, R83W.



Peabody Coal Company
P.O. Box 407
Billings, MT 59103

RECEIVED
USGI JUL 25 1980
DICKINSON, N. D.
ACTION ____ FILE ____

July 22, 1980

Mr. Charles E. Steele, District Manager
United States Department of the Interior
Bureau of Land Management
Dickinson District Office
P.O. Box 1229
Dickinson, ND 58601

RE: West-Central North Dakota (WFP)
Dickinson Area Coal Deposit

Dear Mr. Steele:

Peabody Coal Company is pleased to have the opportunity to comment on the recommendations set forth in the West-Central North Dakota (WFP), more specifically, the Dickinson Area Coal Deposit. As you are probably aware, Peabody Coal Company has a substantial coal and/or surface lease hold interest within this specific (WFP) area. Peabody Coal Company, as other companies in the industry, becomes vitally concerned with the implementation of the Federal Leasing Program. It is vital to this country's future that Peabody and others be able to develop logical mining units; units planned in advance, that will permit both the private and government owned coal to be mined in a manner most economically founded. Examination of the resulting MFP Exclusion Areas or Lands Unsuitable to any specific area as a result of the Bureau's inability to address the many criteria, virtually inhibits industries' ability to formulate logical mine plans, as well. It is one thing to wait until tract selection time, but the economic ramifications of waiting until mine permitting time, as the decisive moment implied in the WFP, could be staggering to all concerned. The recommendation Area M-1.1-Dickinson Deposit within this MFP and accordingly the Bureau's recommendations under Criterion 7: Historic Lands and Sites, Criterion 16: Floodplains, Criterion 17: Municipal Watersheds, and Criterion 19: Alluvial Valley Floors of the same, strongly suggest in each case that exceptions will be addressed and applied during activity planning and/or until mining plan time. 1

Peabody Coal Company is vitally concerned with the possibilities of leasing and incorporating federally owned coal, that ownership to fill the windows in an already existing lease hold checkerboard. Pending the competitive bid process, but subject to the now pending unsuitability criteria, Peabody must weigh the economics of developing a regulatory inflation riddled mine plan. Economically speaking, it would seem much more logical that such unsuitability 2

-61-

determinations be made prior to or following the tract selection and preferably before the competitive bid process, rather than at mine permitting time. The unnecessary cost incurred, in those cases where unsuitability is determined in the last moments of a mine plan have to be absorbed by the mining companies and the American people. Let's enhance constructive mine planning that enables private and government owned coal to be mined in the most economically viable way possible. In reality both are owned by the American people as an individual or as a national group. Let's not rob ourselves of the economics in using a major source of energy-------Coal. 2

Sincerely,

PEABODY COAL COMPANY

Victor E. Garber

Victor E. Garber
Land Agent

cc: E. E. Davis Jr.
J. F. Lake
Terry O'Conner
D. K. Gambrel
J. M. Barby
J. F. Hobbs

-62-

Response to
Peabody Coal Company's Letter Dated July 22, 1980

The letter was read aloud by a Peabody Coal Company representative at the hearing.

1. Criterion 7: Historic Land and Sites

It would be well to conclude the application of Unsuitability Criterion 7 prior to activity planning on the Dickinson Coal Deposit. However, the size of the deposit and economic considerations make this impractical. First, the large size of the deposit area would make the kind of inventory necessary for criteria application excessively expensive. Size also makes it possible that inventory sampling done to satisfy the application of criteria may not be done on those areas best suited for mining. To avoid these problems, it has been decided to collect the data for the application of Criterion 7 after specific tracts for potential leasing have been delineated.

Criterion 16: Floodplain

This criterion has been fully applied as it is shown. The only adjustments needed will involve refinements as the scale of mapping is changed from half-inch to the mile in the MFP to the site-specific analysis scale.

Criterion 17: Municipal Watershed

The MFP has been changed to exclude the watershed under the surface resource trade-offs screen (not under unsuitability criteria). An exception to this exclusion can be applied during activity planning (see page 1023). The municipal watershed in total is too large to economically determine exceptions during management framework planning.

Criterion 19: Alluvial Valley Floors

The coal regulations exempt only this criterion from being applied before leasing. The reason for this is the site-specific and expensive nature of alluvial valley floor determination. Instead of studying the entire area, only those areas which are considered for leasing during activity planning or mine planning will be studied.

2. It is also the BLM's concern to "fill in" windows for the purpose of proper resource utilization and cost efficiency of mining. However, this must be done while keeping other environmental values in perspective.

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STATEMENT OF STAN POLLESTAD, PRESIDENT
DUNN COUNTY UNITED PLAINSMEN
TUESDAY, JULY 22, 1980
RE: WEST CENTRAL NORTH DAKOTA MANAGEMENT FRAMEWORK PLAN

My name is Stan Pollestad. I'm President of the Dunn County United Plainsmen and run a farm and ranch operation southwest of Halliday.

The Dunn County United Plainsmen is an organization of farmers and ranchers in our area which formed several years ago in response to plans for massive development in Dunn county, so we have been involved with the Bureau of Land Management and Federal coal, among other things, for some time.

I will address the portion of the West Central North Dakota Management Framework Plan that deals specifically with the Dunn Center deposit, which underlies many of our members' land.

It's hard to know where to begin with this MFP, but I guess I'd like to start with an example that we think typifies the BLM's approach to this planning process.

In the coal statistics, the BLM indicates an average coal seam thickness in the Dunn Center deposit of 16 feet. However, in the Impacts analysis for the MFP, BLM says that in order to recover 7 million tons of coal, which they say is the size of the mine the Nokota Company needs for its proposed coal liquefaction plant in Dunn county, only 180 to 200 acres of land would have to be disturbed. This figure apparently plays a role in a number of the projections BLM makes about impacts throughout the analysis in Dunn county as well as in other areas. 1

The problem with that figure is that even if you assume that 100% of the coal resource will be recovered, which in itself is impractical and impossible for the coal industry at this time, and using the standard calculation of 1760 tons of coal per acre foot

-64-

you come up with 200 acres yielding less that 6 million tons of coal on an average.

In addition, the size of the proposed Nokota mine is not 7 million tons per year. It's 14 million tons per year as indicated in both a letter we received from the Company and in their press release about their project. That figure could be more, incidentally, if you figure in the coal that may have to be mined to provide all the electricity for the plant and the mine. We sent Nokota a letter inquiring about this and a number of other issues several months ago, but so far they've ignored our questions. Maybe BLM can find out when they do a real analysis of impacts.

1

Be that as it may, we're more than a little perplexed as to how BLM came up with those figures on acreage disturbed by stripmining if they depended on their own research. Coincidentally, however, that 180 ~~acre~~ acre figure is the same one Nokota used in their letter to us. That calculation was apparently based on 100% recovery of a 22 foot seam, which we understand is only the thickest part of the area studied by BLM in Dunn county.

There are two serious implications in this example. One that is clear is that BLM's analysis of impacts in Dunn county is evidently based on only half of the proposed Nokota project. The other is that BLM has either blundered in doing their calculations, or has ignored their own figures and depended upon Nokota for their research. On facts that are self-evident to anyone who can perform multiplication we feel that this example is a sad commentary on the quality and quantity of data that's found elsewhere in the MFP.

One of our greatest concerns in Dunn county with regard to coal mining has had to do with its impact on our aquifers. But the

2

analysis for the Dunn Center deposit doesn't tell us much about what could happen, other than to tell the obvious fact that all the wells in the mining tracts would be destroyed. Beyond that, BLM tends to get more and more foggy with their information, finally stating that the overall effects will require more study. Even so, it makes some pretty optimistic projections.

The analysis says that "there are other deeper aquifers which would be unaffected by the mining action from which replacement supplies could be established." But considering the lack of information about the upper aquifers, we're left to wonder how this is supported. There also appears to be a more obvious problem with that statement. Elsewhere in the MFP it's noted that deeper seams of coal may be mined throughout the West Central area, pending additional study of those deposits. There's not much consolation for us in watching all but a small portion of our land go forward in being considered for leasing, particularly when the BLM is also unclear as to when some of these studies will be completed. If they aren't complete until after some outfit like Nokota has spent a great deal of the money they've made off of landowners in Dunn county or taxpayers in general in getting their project off the ground, we wonder if even the most damning of projections will be able to protect our resources.

2

The BLM has also done little to help Dunn county residents assess the impacts of mining and development on our agricultural economy. About all that's said about agriculture in Dunn county is what percentage of land over Federal coal is cropland or rangeland or some other use. Nothing is said about productivity; nothing about sustained yield or multiple use, which the Federal Lands

3

Policy Management Act calls for. And as for the long term impacts of mining on our land, BLM has glossed over problems with reclamation in Dunn county that it had identified as "significant concerns" in the Land Use Analysis that preceded this MFP under the old coal leasing program, and in the West Central North Dakota Regional Environmental Impact Study even more recently. While BLM had identified sodic soils in Dunn county as having "least suitable" reclamation potential in the EIS, this MFP makes the claim that these soils would actually be improved by stripping them and covering them with topsoil from elsewhere at the mine. Since a great deal of the area was also identified in the EIS as having thin topsoil, however, BLM's claim seems to be on awfully shaky ground.

3

There are at least two particularly frustrating things about watching the BLM rush ahead with our land into handing out new leases on Federal coal.

One is that the main reason for this most recent push for Federal coal is to develop a monstrous synfuel industry which is being touted as the best way for us to decrease our dependence on foreign oil. In fact, our development of a massive synfuels industry is more likely one of the greatest wastes of time, money and here in North Dakota, agricultural resources that's even been conceived. Even if everything goes as planned, and even if this technology, which has yet to be proven on this scale, is successful, we will be ripping up thousands of acres of agricultural land, disrupting rural communities throughout the West, filling our air with known and unknown hazardous emissions, and spending billions of taxpayers money to come up with a production of only 1.5 million barrels of oil equivalent per day by 1995. Those are the most recent and optimistic Department of Energy projections.

4

It's been demonstrated that we can cut our dependence on

foreign oil more quickly, less expensively, preserve critical, renewable resources such as agriculture, and create more long term jobs by developing a well organized conservation program and developing renewable sources of energy we know are already available to us today, such as wind, solar, ethanol, geothermal and cogeneration. The biggest thing standing in the way of that development appears to be the facts that it might not be easy to put a meter on the sun, and the investment some powerful speculators have made in fossil fuels.

4

The other thing that's frustrating about this rush for more leasing is the fact that there is so much Federal coal under lease right now that the coal industry can't find a market for it -- which is another obvious reason for the synfuels push.

Basin Electric's recent announcement that the Antelope Valley Stations were going on hold is an example of the situation throughout the coal industry; although we give a little more credit to people's ability to conserve energy without undue sacrifice than to Basin's blaming the delay on economic problems.

In testimony before the Congressional Subcommittee on Energy and Natural Resources and Materials Production on June 12th of this year, Guy Martin, Assistant Secretary for Land and Water Resources for the Department of Interior, said that there is "a tremendous volume of coal" already covered in the United States by Federal leases. Despite the public relations campaigns of coal companies in North Dakota, which would have us believe that Federal coal is all locked up, the fact is that there are about 400 leases existing today, according to Martin's testimony. On "around 300" of those leases, a mining plan hasn't even been submitted for their development.

5

Martin explained to the Subcommittee that "there is obviously a large number of reasons why some aren't being developed, but the largest reason by far is the lack of demand in the market."

When asked repeatedly about this, Martin replied five times that the biggest reason the existing Federal leases aren't being developed is that there is not enough demand for that coal for companies to even try to develop it.

In North Dakota alone, there are currently 12,000 acres of Federal coal under lease for which mine plans have been approved. However, there are 21,000 acres of Federal coal already leased in the State for which there are no mine plans even submitted, according to the Department of Interior. 5

There are probably a great number of reasons why some of this coal isn't being developed, but it's difficult to understand why the BLM must rush ahead for even more leasing at this time. In the process of doing so, they are abandoning the process that was set up to allow multiple use decisions and protect renewable and sensitive resources and eliminate those areas from consideration in the leasing process. And we are left going through all the time and effort of reviewing a half baked land use plan.

We believe this MFP should be used as the basis for making future coal leasing decisions, and that a new document be developed

We've been told by the BLM that a new Resources Management Plan would not be any different than this MFP. But we are willing to work with BLM in trying to meet these develop an RMP under the Coal Management Program and FLPMA regulations that will allow us to cooperate in protecting agricultural resources and meeting this country's energy needs in a sensible manner as well. We urge that this be done for our good as well as the to avoid [illegible] 6

Response to
Dunn County United Plainsmen:
Stanley Pollestad's Oral Testimony

1. The discussion of the proposed Nokota mine was only meant to be used as an example of potential impacts caused by strip mining. Without detailed proposals for mining facilities, a study of actual impacts cannot be prepared.

   In the example, only the first phase of the Nokota project was used, so the figure of seven million tons of coal mined per year is correct. This figure is based on thicker than average coal, as the project area is located in the best part of the deposit. Where the coal is not that thick, more acres per year would be disturbed.

2. The characteristics of the existing hydrology of a portion of the Dunn Center area has been described by Moran and others (1978).[2/] This report also discusses impacts to some degree and states that aquifers below the lowest mined lignite will be unaffected by the mining action. This will be true no matter where mining takes place within the deposit. Some of the other impacts mentioned will depend upon where possible mining takes place. Impacts are discussed in the MFP in general terms because they depend on very site-specific hydrologic characteristics. In preparation for the site-specific analysis for this area, the BLM will not be getting much new information about the existing hydrology, but we will have about two more years of hydrologic impact assessment knowledge to apply.

   The commentor's statement about the possibility of mining deeper coal apparently refers to coal recommendation M-1.19. This recommendation addresses studying ways to give industry economic incentive to strip mine to greater overburden depths. The additional depths referred to in this recommendation are on the order of 50 to 100 feet and do not threaten replacement water supplies.

   Although areas of sodic soils may be "least suitable" for mining because of increased difficulty and cost of rehabilitation, they probably have the greatest potential for improvement. Soil Conservation Service (SCS) data show that productivity on sodic soils,

[2/] Moran, Stephen R., et. al, Geology, Groundwater Hydrology and Hydrogeochemistry of a Proposed Surface Mine and Lignite Gasification Plant Site Near Dunn Center, North Dakota, North Dakota Geological Survey R.I. No. 61.

such as Rhoades, is very low. About six inches of the Rhoades soil is relatively sodic free and can be saved for rehabilitation work. Usually there are adjacent sodic free or low sodic soils that can provide additional suitable plant growth material for averaging over these areas. If topsoil and subsoil are still limited in thickness, suitable plant growth material can often be borrowed from nearby overburden. It appears that a small amount of selective overburden placement would be the key to building a more productive soil following mining, a practice that would greatly benefit future land use. If land use or productivity can be improved with reasonable effort and cost, then this is a practice which should be pursued.

Site-specific analysis of the logical mining units during activity planning will include a more detailed look at the soils involved. Specific problem areas can be identified and dropped from further leasing consideration if deemed unreclaimable.

4. The West Central MFP was originally scheduled in order to provide a land use planning base for the management of BLM surface resources, and federal oil and gas and coal resources. The end-use of the coal resources and the extent and location of future leases are not decision elements of BLM land use planning. Due to the nature of lignite coal, however, we can anticipate that most end-use will occur reasonably close to the mine. The federal synfuels program, in itself, does not drive or lead the land use plan.

   The Fort Union Coal Supply Region leasing target will be established as part of the (coal resource) activity planning process. The leasing target will reflect available federal and nonfederal coal in existing leases, as well as the need for coal to support proposed mine-mouth synfuel and electric generation facilities. The environmental impact statement for the activity plan will address pertinent issues such as site-specific and mine-area specific impacts on agriculture, farming units, air quality, and water quantity and quality. The larger questions of energy conservation and renewable energy sources may be addressed in general, but they are related to the overall federal energy program and not a function or issue in leasing specific tracts of federal coal.

5. The need for new federal coal leases to meet regional production targets will include an assessment of existing leases. As Assistant Secretary Guy Martin stated, there are numerous reasons why existing leases, both with and without approved mine plans, are not in production. Some new leasing may be required to "block up" logical mining units on old leases. Other old leases may be terminated in 1986 if the lease holder does not demonstrate diligent development. This issue was addressed in the programmatic environmental impact statement for the federal coal management program.

Existing leases without approved mine plans must also be carefully reviewed by the State of North Dakota and USDI Office of Surface Mining. This process may result in designation of portions (or all) of some leases as unsuitable for mining. This will further reduce the acreage of leased but undeveloped federal coal.

6. Current guidance for completion of resource management plans (RMP's) under the (43 CFR 1601) BLM planning regulations indicates no substantial changes compared to the MFP coal decision process. A North Dakota RMP is tentatively scheduled for completion in 1987, with resource inventories beginning in 1984. In the meantime, agricultural resources will be addressed, analyzed, and considered adequately through the multi-step decision process. The land use plan (MFP or RMP) is but the first step in identifying areas acceptable for surface mining of federal coal.

Please read!

H on 28
7112 E. Frontage Rd.
Albuquerque, N.M.
87109

July 18, 1980

Bureau of Land Management
Dickinson, N. Dak. 58601

JUL 25 1980

ACTION ____ FILE ____

Gentlemen:

I have your letter of May 30 and would like to say that I surely wish I could attend some of your open-house meetings concerning the West Central MFP.

I have talked with some of the farmers in N. Dak. via telecon, and learned more about the results from Coal Excavation.

I recognize the need for more fuel energy/petroleum but I certainly don't believe we should destroy our beautiful and much needed crop lands in exchange, when there are so many other alternatives. Also, with a nation as affluent as ours, I don't think we should be looking for the least expensive way to produce energy. Especially not, when in the long run, it really is not the least expensive when we consider the loss of the production of food as well as the support of our farmers' families.

In N. Dak. where our farming is all on dry crop lands rather than surface irrigation, I certainly abhor the idea of taking our coal reserves -- wherein our moisture lies!

I sincerely pray all your scientists and farm planners will consider the long-range needs of the country rather than only our immediate needs. Again, let's consider solar, thermal, "gasohol," and all the many other alternatives we have for producing petroleum and its many substitutes other countries are using. (Wouldn't it be better (Lisa) to keep the land in crop production, converting crops to gases or whatever?)

I will appreciate your keeping me advised on the results of your meetings etc.

Cordella A. Kremer

Response to
Cordella Kremer's Letter Dated July 18, 1980

The Administration is attempting to reduce our nation's dependence on foreign petroleum. Development of U.S. coal reserves is one way of reducing this dependence--along with conservation practices and development of other alternate fuels.

If it cannot be shown that the lands over federal coal can be successfully reclaimed and the agricultural productivity restored, then those lands will not be mined. Federal regulations require proof of reclaimability before federal coal can be mined.

STATEMENT OF HAROLD ODERMANN, PRESIDENT
BILLINGS COUNTY SURFACE INTEREST ASSOCIATION
TUESDAY, JULY 22, 1980
RE: WEST CENTRAL NORTH DAKOTA MANAGEMENT FRAMEWORK PLAN

I am Harold Odermann, President of the Billings County Surface Interest Association. BCSIA is an organization of ranchers and farmers in Billings county who are concerned about how energy development has and will affect our businesses and our way of life.

We wish to thank the Bureau of Land Management for this opportunity to comment on the West Central North Dakota Management Framework Plan.

Although the MFP only directly addresses a small portion of Billings County, its development is of great concern to our Association for a number of reasons.

First, any coal development which takes place in the Dickinson deposit will certainly have substantial impacts on our county, expecially since, as the MFP points out, that development will most likely be linked to some kind of coal conversion facility.

Second, it's pretty clear that the Dickinson deposit does not simply stop at the county lines, so coal development allowed through the use of decisions in this MFP will very likely reach into Billings county as well. 1

Third, it's our understanding that a similar plan for managing Federal reserves of coal in Billings county will be followed in the near future by the Forest Service, and that the development of the West-Central MFP could set a great deal of precedent for the planning in Billings county.

With these concerns, we are greatly disturbed by the recommendatic and the way in which they were reached by the BLM in the West Central MFP, especially in the way the BLM treats issues related to agriculture 2

In reading the introductory material that the BLM sent out with the MFP recommendations, we were at first encouraged that the governmen was going to go to some great lengths to protect resources that would be damaged or destroyed by bad management decisions to lease and mine. But in looking further into the recommendations, we were frankly shocked that in discussing the available resources in the area associated with the Dickinson deposit the word "agriculture" does not even appear. Nowhere in the recommendations is any mention made of the most important use of land, not only over the Dickinson deposit, but in the entire State. 2

In reviewing the analysis on which these recommendations were based, we were even more disturbed by the apparent lack of information upon which the BLM made these decisions, and BLM's ignoring what we understand are some basic principles for developing comprehensive land use plans. Instead of using the MFP to identify problem areas and remove them from the plan, BLM has instead used every form of rationalization to justify keeping all but a small percentage of land in the planning process.

In the analysis of soils, for instance, BLM notes that there are areas over the Dickinson deposit that have steep slopes that would be "very difficult" to reclaim, and other areas that are "highly susceptible to water erosion". Yet none of these areas are taken out of consideration to focus on areas that may not create additional problems to the already monumental task of trying to reclaim strip mined land. Our Association believes that the BLM should use some common sense here and remove those areas which they already know are going to cause reclamation problems. Leasing in those areas will only lead to a waste of time and money if the 3

companies are not able to mine the land when it's found later in the process that they can't be reclaimed, or end up as a political football because of pressure to be able to mine land that should never have been leased at all. 3

In its analysis of land, the BLM figure on the amount of urban growth due to increased population is smaller than the projected figure for Dunn county. It isn't clear how how BLM arrived at this conclusion, but it doesn't appear to take into account the fact that out communities are already crowded and having to expand to deal with oil development impacts. Given this situation, the assumption that less agricultural land will be taken out of production permanently doesn't make much sense when you try to imagine thousands of people moving in for the construction of coal conversion facilities. 4

This brings me to another evident omission in this MFP. In the introductory material, BLM states that its planning approach includes an analysis of the "impacts on the physical, social and economic resources and identifies conflicts resulting from specific management decisions". Yet we could find no substantive treatment of social impacts whatsoever in this MFP, even though this is one of the most important concerns people in our area have about massive development. We're already experiencing some impacts from the oil boom that make us even more leery of more development. 2

In addition, BLM states that if the exceptions to the unsuitability criteria are applied, mining could be allowed closer to towns and schools. It is extremely unsettling to consider that our communities may end up in the same situation as Butte, Montana, where the town is being moved to allow mining where people's houses used to be. We still don't understand why the BLM has chosen to abandon the protective 5

nature of the unsuitability criteria in order to rationalize putting as much land into the hopper for possible leasing as possible. 5

The vegetation analysis fails to give a breakdown of crop and range land percentages, yet it says that less than 1% of croplands will be taken out of production by mining activities, based on the Nokota proposal for Dunn county. We don't see how BLM is able to support this figure without giving a rundown of cropland or rangeland. This figure also appears to reflect an unwarranted optimism that production won't be decreased due to deteriorated air quality, water quality and quantity, or other important factors. 6

This analysis also says that production will be returned to normal "assuming that only land having good to high potential for reclamation will be mined. This obviously will only happen if these are the only lands leased, but no recommendation is made to lease only these reclaimable lands, and even those lands the BLM has already identified reclamation problems on have not been excluded. The analysis also concludes that woodlands should not be mined, but says nothing about whether or not these lands should be leased. It should be obvious that land that shouldn't be mined should not be leased. This is clearly a terrible waste of time and money. 7 8

Finally, perhaps the most aggravating part of the MFP to us is the BLM's refusal to do what they say they will do in making surface resource tradeoffs. In the introductory material included in the recommendation document, the BLM states that the purpose of this "screen" is to "look at those other physical resources to determine if their values are high enough to warrant the exclusion of coal mining." Even though the BLM has not addressed the importance of agriculture to our local economy in any substantive way, and even 9

it is still incredible that BLM states in its recommendations that "No other high value resource concerns surfaced", other than those few identified through the application of unsuitability criteria. No mention is made of the value of agriculture as a resource or as our economic base. 9

We are deeply dissatisfied with the BLM's development of a plan that is blind to values other than coal, especially when BLM states itself that other values are supposed to be addressed in these land use plans. We don't believe that BLM should be planning for the future of land it does not control, but in failing to substantively analyze the impacts of their decisions and recommendations on our land, economy and way of life, they have shortchanged the people who are looking to them to make wise decisions for the development of our resources.

Response to
Harold Odermann's Oral Testimony

1. The recommendations in the MFP related to coal are the identification of areas acceptable for further consideration for leasing and areas excluded from leasing. These recommendations do not imply action or impact. There are no recommendations to lease or to develop coal.

   The MFP is the first step in the coal management program. Leasing proposals, which would imply impact, come later in the process (activity planning). Where leasing proposals are made in activity planning, impact assessments of both mining and conversion facilities will be addressed.

2. Potential impacts to agriculture and socioeconomic impacts in general are recognized to be very important; however, realistic impact assessment cannot be done until leasing proposals are made. Therefore, assessment of coal development impacts on agriculture and social and economic structures will be done during activity planning.

3. The steep lands and fragile soils with reclamation problems that were mentioned in the soils impact analysis for the Dickinson Deposit were not dropped from further consideration at this time. Even though more difficult and costly to rehabilitate, such areas do have a great deal of potential for improvement, since present productivity is characteristically very low. By reducing slopes, saving any suitable soil material that is present on the area, borrowing material from surrounding thicker soils, and using suitable plant growth material from the overburden, there is the opportunity to build a more productive soil following mining, a practice that would greatly benefit future land use. However, this does not automatically mean these areas will be leased. Rather it raises a flag so that such areas can be looked at very closely if included in the logical mining units during the site-specific analysis, and they may be dropped from further leasing consideration if shown to be unreclaimable.

   Final determination of reclaimability is made at mining plan review time, and areas found unreclaimable will be dropped from the mining permit.

4. It is correctly pointed out that the impact of surface mining goes beyond the mine itself. These attendant impacts are important and must be considered; therefore, socioeconomic impact studies will be done in determining specific areas to offer for lease.

   The spread of housing areas and coal processing facilities onto agricultural land is another problem that will be addressed in activity planning.

5. Current federal coal regulations prohibit the leasing of federal coal under towns by calling for a buffer strip of 300 feet from occupied dwellings, public buildings, schools, churches, communities, or institutional buildings or public parks. The BLM has designated these areas as unsuitable. Exceptions to some of the criteria can be applied, but that is not at the discretion of the BLM.

6. See "Analysis of Issues" section for cropland and range percentages.

7. It is not the intent of the MFP to exclude lands from leasing due to reclamation potential. The intent is to identify problems that can be addressed at activity planning and mining plan time. Final determination of whether or not lands can meet reclamation standards is made when the mining and reclamation permit application is being reviewed.

8. Leasing is normally done by legal subdivisions. Woodlands do not usually correspond to legal subdivisions; therefore, the practice is to lease the entire subdivision, with a lease stipulation to exclude the woodland or similar area of consideration.

9. An initial analysis of the other resources did not surface values that caused areas to be eliminated. However, some areas have now been eliminated as a result of public comment (see "Final Decisions and Rationale" section).

   The application of wildlife unsuitability criteria has not been completed. As a result of site-specific analysis, additional areas may be dropped where high value wildlife resources are identified.

   The purpose of the surface resource trade-offs screen in the planning process is to accommodate unique site-specific resource values clearly superior to coal, but which are not covered by the unsuitability criteria. It will also determine which other resources should be temporarily or permanently reduced in order to lease and develop coal. In evaluating the agricultural lands in the planning area, it was determined that--because of their overall abundance, wide distribution, and general similarity--they do not fit in this category. As environmental assessments on specific proposals are made, these lands will be closely assessed.

   Prime farmlands were not excluded, as these values will be fully addressed and protected in the mine plan approval process by the Office of Surface Mining's program regulations. The rationale for this decision is outlined in the federal coal management regulations (Federal Register, July 19, 1979, page 42605), which state in part, "The Secretary of the Interior... deleted proposed criteria (t), prime farmlands, and (v) reclaimability, for the reasons that: these determinations cannot be made by the Bureau of Land Management at the pre-lease stage without significant expenditures of money

and personnel; and the values are fully protected in the mine plan approval process under the Office of Surface Mining's permanent program regulations."

Prime farmlands were not excluded, as the law and regulations provide that they can be carried through; but they are protected by very stringent reclamation requirements in the Surface Mining Control and Reclamation Act and other regulations.

STATEMENT OF RANDOLPH NODLAND, CHAIRMAN
DAKOTA-RESOURCE COUNCIL
TUESDAY, JULY 22, 1980
RE: WEST CENTRAL NORTH DAKOTA MANAGEMENT FRAMEWORK PLAN

My name is Randolph Nodland. I am chairman of the Dakota Resource Council, an organization of farmers, ranchers and other concerned citizens working to protect North Dakota's agricultural economy and lifestyle from irresponsible development decisions.

We thank the Bureau of Land Management for the opportunity to address the West Central North Dakota Management Framework Plan.

It is unfortunate, however, that we don't have much good to say about the document, since it seems more like an attempt to justify massive development on every possible acre of land studied in the MFP rather than a comprehensive land use plan. This is extremely disappointing to us, since we spent a great deal of time working to see that Federal coal management was done in a responsible manner, taking into account a wide range of concerns. We thought this may be accomplished by following the guidelines of the Federal coal management program and relevant Federal laws and regulations, but apparently the BLM has avoided many of the guidelines intended to protect our other resources, and has concentrated heavily on only one resource--coal. 1

Our first concern has to do with the study area for this MFP. While it was our understanding that the MFP was to address all of the high to moderate potential Federal coal areas, which we understood would greatly increase the amount of areas from which to choose coal for potential leasing, the area in the MFP has in fact become smaller since the BLM first put out the West Central Land Use Analysis a number of years ago. 2

We were also under the impression that the areas to be studied would not be dictated by the areas the coal industry was interested in developing, but on some other [illegible]

deposit, it appears to be more than just a coincedence that the area studied has hardly changed since it was nominated for leasing under the old coal leasing program. 2

After all the work put into developing a Federal coal program which is supposedly designed to eliminate conflicts early on in the process so that leasing can go smoothly later on, it is incredible to us that only 2% of the land in the MFP area has been determined unsuitable for leasing. If the land use planning process has such a small effect on what lands will be analyzed during h activity planning, the MFP serves no purpose. All of us have better ways of spending our time. 3

No lands in the West Central MFP have been removed from further consideration because of surface owner opposition. Although the MFP calls the process consultation, it was composed simply of sending off a letter to surface owners. Further, the regulations state that the consultation process shall consider whether or not to lease an area, depending upon the views of the surface owners, but the MFP states that the consultation will determine whether leasing could occur only under the surface owners land. We think the broader view of allowing residents to determine if they want mining in their area, not just under their land, is consistent with the federal regulations. The MFP should be revised to reflect this change. 4

The regulations also state that "any surface owner who has previously granted written consent to any party to mine by other than underground mining techniques shall be deemed to have expressed a preference in favor of mining." This assumption is wrong. Of those to whom to the BLM inquiry, 86 surface owners who have leased

their land are opposed to federal leasing, while only 58 of those who have leased favor federal leasing. The BLM regulations, therefore, should be changed to allow landowners to state their preference and allow their votes to be counted, regardless of whether or not they have leased their land. The BLM should also assess the effect of removing those lands where the surface owner has leased but is opposed to federal coal leasing. This would help greatly in identifying areas where people really are not opposed to leasing, and eliminate unnecessary future conflicts.

The whole purpose of separating out surface owner consultation from consent or refusal to consent, was to delay the consent procedures until after the land use plan was completed. The Secretary of the Interior said that he wanted surface owners to be able to make this decision after thay had received the analysis to be provided in the land use plan. But so much information is missing from the MFP that the surface owners might as well decide whether or not to lease without the MFP. 4

Also, the consultation period was to allow communities to influence where leasing takes place. The regulations say that "Where a significant number of surface owners in an area have expressed a preference against mining those deposits by other than underground techniques, that area shall be considered acceptable for further consideration for leasing only for development by underground mining techniques." Yet in the West Central MFP, 88 surface owners favor leasing, while 131 oppose it. Yet while 60% of these surface owners are opposed to leasing, not one acre was taken out of consideration for leasing.

This is also an illogical way of going about business. If 5

lease tracts that include acreage where the surface owner is opposed to leasing are considered during the activity planning steps, and if such tracts are leased, no mining can result because the surface owner will not give consent. So either mining will go forward without logical mining units, or else the BLM is putting surface owners into potentially high pressure situations from coal companies to give up their leases, even though they have already indicated to BLM they don't want to lease. Neither of these alternatives is acceptable. 5

The Federal Coal Management Report to Congress for 1978 states the purpose of land use planning this way: "The principal coal resource decision in land-use planning is to determine where, from among the millions of acres of Federal coal lands, increased coal production could meet energy needs without unduly damaging agriculture, wildlife, recreation, or other resources and resource uses." The West Central MFP has not done that. It totally ignores agriculture, taking out of consideration only 2% of the land it studied, 1% of which is federal lands that can't be leased anyway. The MFP bends over backwards to not take out of consideration any lands, regardless of what other uses they serve. 6

This inadequacy seems to be directly tied to the BLM's ignoring of federal regulations that call for comprehensive land use plans to consider, among other things, multiple use and sustained yield. Multiple use, as defined in the regulations, is "the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people...and harmonious and coordinated management of the various resources without permanent impairment of 7

the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest unit output." Sustained yield, by definition, means "the achievement of and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use." 7

These terms not only do not appear in the MFP, but their concepts do not either, as the only attempt at an economic analysis that appears in the MFP are unsupported comments on the benefits of coal to the local economy. We've all heard the term "one time harvest". The BLM should recognize the meaning of that term and take a second look at the planning regulations.

Agriculture is the greatest renewable resource we have in North Dakota. But we continue to cover it up or strip it, and use things like this MFP to rationalize these acts. But we are on the verge of a crisis in terms of agricultural lands, not just here but around the world. Some projections call for an increase of almost 50% in the world population by the year 2000, while arable agricultural land will decrease by almost a third at the same time. This MFP doesn't consider anything in our area more important than coal, however. We hope the BLM will change it to reflect not only the things that the law and regulations call for, but a broader considerati of the needs of future generations.

Response to
Randolph Nodland's Oral Testimony

1. The Federal Coal Management Program is being followed. The management framework plan is just a part of that program. Further analysis will occur during activity planning, which follows the MFP.

   The purpose of the Federal Coal Management Program is to lease federal coal to meet the energy needs of the Nation, while affording protection for the environment. Where planning for coal is occurring on split-estate lands and coal is the only federally owned resource, then an emphasis on that resource automatically occurs. However, throughout the coal management program, assessment of coal development impacts is made on all other resources. Most of these impact assessments are yet to be made.

2. The U.S. Geological Survey (USGS) identifies coal with high and moderate potential for development. They do this through acquiring specific information on the coal. Many times, due to manpower, funding, varied work priorities, and insufficient data, all high to moderate potential coal may not be identified on the first map prepared by USGS. This was the case in some areas of the West-Central MFP, but planning was done on the most current coal information. As more coal information is gathered and more high and moderate potential coal is identified, BLM will incorporate that data when updating the plans.

   It is true that the Dunn Center Deposit boundaries almost coincide with the EIARS nominations. This happened because the BLM received no new information on high or moderate potential coal in Dunn County from the USGS from that time to the present. USGS is presently working on new maps for the Dunn Center Deposit, and the BLM will use the new information in future updating of the plan.

3. The final application of unsuitability criteria is yet to occur. As pointed out in the MFP documents, information is being collected to reapply some of the criteria during activity planning, and the alluvial valley floors criterion will not be applied until mine plan application time. Final unsuitable acres will, therefore, not be known for quite some time.

4. The consideration of surface owner views for the West-Central MFP was done in accordance with the current coal regulations and other guidance on surface owner consultation. All surface owners over federal coal were consulted, even though the non-qualified owners views are not legally relevent to the analysis. All residents of the area may express their views about leasing during activity planning. The legislative history of Section 714 of the Surface Mining Control and Reclamation Act (SMCRA), indicates its intent is to protect the rights of surface owners over federally owned coal.

The BLM coal regulations on surface owner consultation reflect the language and intent of Section 714 of SMCRA, where Congress (not the BLM) determined that valid written consent given by any surface owner prior to the enactment of this Act (August 3, 1977) shall be deemed sufficient (proof of written consent) for the purpose of complying with this section. There were no areas deleted, because views opposed to federal coal leasing did not affect significant blocks of land.

5. Logical mining units will be developed for potential leasing. In identifying these units landowners' refusals to give consent will be considered. Landowners can be relieved from pressure to lease by filing a refusal to consent when activity planning starts. The BLM will notify landowners when refusals to consent can be submitted.

6. The final leasing decision will consider additional information on surface resources, including agriculture. The MFP documents will assist surface owners in determining whether to give consent, file a refusal to consent, or defer their decision. Individual owners will be influenced by many factors other than the BLM plans, however. Preferences will be based, in part, on prior legal agreements, financial considerations, confidence in reclamation and post-mining productivity, proximity to adjacent mines or leases, etc.

   The BLM definitely recognizes the value of agriculture in the MFP area. However, since impacts of possible coal development cannot be realistically analyzed without specific mining proposals--showing such things as location and rates of production--the BLM has elected to make impact assessments on agriculture during activity planning. The rationale for this decision is based on federal regulations (Federal Register, July 19, 1979, page 42604; see response to Harold Odermann comment number 9). The same logic applies to assessing social and economic impacts on other resources.

7. For the purpose of BLM planning, "multiple use" does not mean every use for every acre. It is multiple use of all BLM lands and resources in total. This concept means that there may be specific areas where only a single use can occur, and specific areas where varying combinations of two or more uses can be allowed.

   The overall goal of multiple use is to get as many uses as possible out of every acre of land. However, because of the nature of many resources and the public need for them, many uses are not always achievable.

   The law requires that the BLM administer its resources under the multiple-use concept. However, where there is a split-estate situation, the only resource that the BLM is authorized to administer is the one reserved by the federal government (in this case, coal). Multiple-use management of these resources alone is not possible. Nevertheless, when planning is done under this situation, the probable impacts on private resources caused by development of BLM resources is addressed; this analysis is done mostly during activity planning.

By contrast, in planning for the BLM surface acres in the West-Central MFP area, the full multiple-use concept could be (and was) used. In doing so, it was determined that these lands could support a number of uses.

The Federal Land Policy and Management Act (FLPMA) calls for sustained yield management for renewable federal resources, thus recognizing that non-renewable federal resources cannot be managed under a sustained yield concept.

Good evening. I am Mike Obach, President of the Stark County Surface Interest Association. My testimony tonight--which I hope compliments that of Randolph Nodland, President of the Dakota Resource Council--focuses on the specific information in the Management Framework Plan that was gathered for the Dickinson Deposit.

Coal leasing is a new issue to many of our members. We decided to participate in these hearings because we realize that federal coal leasing and eventual mining in this area will have a great effect upon our lives. Whether or not mining takes place underneath the property of individual members of our organization, large scale mining operations will affect our air, water, the quality and quantity of our crops, and the communities in which we live.

We have been told that the Management Framework Plan is a land use plan, to decide where and if coal should be leased in this area. We have been assured that the MFP will protect other resource values of this area. Given that the MFP states that there are between 15 and 25 billion tons of coal in North Dakota, we understand that the MFP is supposed to identify those areas where coal leasing can best be coordinated with other activities. While we are prepared to do our part in developing our nation's energy supplies -- and many of us have been involved in oil exploration and development -- we want to make sure that energy production does not come at the price of lessening agricultural production. It seems foolish for the United States to have an energy policy that requires that we import less fuel at the expense of our food and fiber production so that we have to import them instead. We hope that an equilibrium can be reached to allow the production of all of these important products. 1

SURFACE OWNER CONSULTATION: I am afraid that this portion of the MFP leaves a lot to be desired. Although the BLM says that it engaged in "consultation", they don't seem to have talked with many folks. Rather, they sent out a letter and assumed that everyone who did not answer is in favor of leasing coal. Given that such a large proportion of people did not respond -- 44% -- a more accurate appraisal of what surface owners want can be arrived at by comparing, head on, those who say they want leasing with those who say they don't.

15 owners said they want leasing; 77 said they don't. This breaks down to 16% of those responding favoring leasing and 84% opposing leasing. The regulations say that if a significant number of surface owners oppose leasing that that area will not be leased. Yet not one acre of land was withdrawn from further leasing consideration because of the surface owner consultation. 84% sure seems like a significant number to me. 2

In addition, the regulations say that any surface owner who has previously granted consent for mining "shall be deemed to have expressed a preference in favor of mining." In the Dickinson Deposit, however, we find that 15 surface owners who have leased favor mining while 18 of those who have leased are opposed to mining. The West Central MFP was done in accordance with the federal regulations, but I would recommend that the regulations be changed. People have leased -- or have purchased land that is already leased -- for a variety of reasons. They should be given the right, regardless of their leases, to participate in the land use planning process that will decide the future of their communities.

AIR QUALITY: None of the information gathered for the Dickinson Deposit gives any specifics about the levels of air pollution and degradation that can be expected if coal is mined in the area. In addition, the MFP does not even discuss the effects of emissions from a major facility, like a gasification or generating plant, yet later in the MFP such proposals are mentioned as potential construction projects as part of coal development. Such a facility could have a major effect on the area and the air quality portion of the MFP should address this. 3

The section on air quality states that impact would only be within the mine area, while later on the MFP states that vegetation "next to" the mine will be affected by windblown dust. This inconsistency concerns us and the MFP should be corrected to include some estimates of the amounts of dust that can be expected from different size mines and other facilities and the distances it can be expected to travel.

WATER: The MFP states that mining would "destroy most of the wells within the tract", yet it does not include how many wells there are in the area or how leasing in some areas and not others could minimize well destruction. In addition, the MFP does not discuss how the present use of the land -- for agriculture -- will be affected by the destruction of wells. We think this is a major issue and the MFP should include more specific information so that those of us living and work 4
in the can see how leasing would affect us.

The MFP then states that mining would "disrupt" all of the streams within the mine area but once again it does not list the various streams or outline alternative leasing scenarios that could minimize stream damage. When we read that, "This impact can only be avoided by not mining the area", that seems like a good solution, but the MFP does

not recommend that such a step be taken. Instead, the MFP concludes that leasing could occur with a stipulation that a hydrologic investigation be made and that the proper buffer zone not be mined. Given that the "proper buffer zone" is not defined in the MFP, I would be hesitant to enter into such a lease agreement if I wanted to mine coal. Preparing a buffer zone could be expensive, and the uncertainty -- the same kind of regulatory uncertainty that is such a hassle for all of us trying to do business nowadays -- probably wouldn't be worth it. Given how much coal there is, why not protect the water and avoid all this expensive hydrologic work?

Finally, the section on protecting the municipal watershed for the Dickinson deposit raises the same question. The MFP says that a buffer zone is necessary to protect the municipal watershed, but it has not yet been determined what kind of buffer zone. It is vital to this area that our water be protected and I believe that local citizens and elected officials would demand that the strictest precautions be taken to protect the watershed. This could cause delay and great expense to anyone who leased near the watershed and I must ask again, wouldn't it be simpler and cheaper to avoid leasing 4
in this area and concentrate on less sensitive areas? This only makes sense, particularly if you consider that the potential problems identified in the Wildlife analysis for streams and rivers. This analysis states "Coal mining and attendant activities could substantially damage these fisheries by mine spoil leachates, sedimentation, and subsurface contaminants reaching the reservoir and streams. Groundwater pollution by mining is a definite prospect, and long-term (e.g. decades) mine spoil-leachate problems relative to groundwater aquifers could become a problem of local and regional [illegible]." If these problems are identified for wildlife, we are 5

extremely confused as to why they aren't identified as potential problems for agriculture and people. 5

I hope that some of these changes can be made in the Management Framework Plan so that it truly is a plan to adequately manage coal and yet protect all the resources in the area and maximize economic benefits to all sectors of our economy. Otherwise it just promotes coal leasing and the whole exercise in preparing all this information serves no purpose.

Thank you.

Response to
Michael Obach's Oral Testimony

1. The Federal Coal Management Program in total is used to make leasing decisions. The MFP is just a part of the process. It identifies "areas acceptable for further consideration for leasing" and excludes other areas from further consideration. Leasing decisions will be made during activity planning, which follows the completion of the MFP.

2. Surface owner consultation during land use planning is a relatively new and evolving process. BLM experience in Montana and North Dakota has indicated that the use of certified mail with "return receipt requested" is the best means of reaching large numbers of surface owners in an unbiased, efficient, and economical manner.

   The purpose of the surface owner consultation process is to identify qualified surface owners and determine if significant numbers are opposed to leasing. Non-respondents are not considered to be in favor of leasing. Non-respondents may later grant consent, file a refusal to consent, or merely decline to consent (i.e., do nothing). Their options are preserved. "Significant numbers" of surface owners is based on all owners, not just those that responded to the BLM letter. The BLM only looks for those opposed to mining. Landowners not responding are simply not counted as either opposed or unopposed. There are numberous factors which must be considered in determining significant numbers, some of which are:

   1. Actual number of those opposed to leasing;
   2. Acreage included under "opposed";
   3. Percentage of federal coal in the total area;
   4. Distribution pattern of federal coal;
   5. Distribution pattern of "opposed" comments;
   6. Location and number of existing federal leases;
   7. Location and number of preference right leases;
   8. Number and location of private and state coal leases;
   9. Number and location of surface lease agreements on lands over federal coal.

   Consideration of surface owner views for the West-Central MFP where the surface is leased was in accordance with the current coal regulations and other guidance on surface owner consultation. The BLM provides an opportunity for surface owners with surface leases

to participate in the planning process, but we must also recognize the rights of the surface lease holders.

3. The air quality impacts are not specific for two reasons. First, it would take a very detailed monitoring system to define the local air movement characteristics over the entire deposit. Second, the impact analysis was written to examine impacts from mining in general. Specific mining locations will be looked at in the site-specific analysis.

   We recognize the fact that an end-use facility is probable and that the impacts to air quality due to such a facility will be major. At this time, we cannot anticipate end-use throughout the west-central area. End-use facilities and mining impacts will be addressed in activity planning through environmental assessments.

   In reference to our statement that air quality impacts will only occur within the mine area, the intent was to include an area of local extent, as was mentioned in a previous statement of the analysis. This area will include the area within a mine boundary and the area next to the mine, as mentioned in the vegetative analysis. Beyond this local area, dust impacts become indistinguishable from that of the present land use.

4. At this stage in the planning system, impacts to wells and streams can only be described in a general way. The water wells and stream channels referred to are distributed rather evenly over the area, so little opportunity exists to avoid these disturbances. During site-specific analysis, a development proposal will be considered and impacts can be described in more detail. Even at this stage, however, inventories of well and stream characteristics will not be 100 percent complete.

   The destruction and replacement of water wells will impact the agricultural community. This impact assessment will be done in more detail during activity planning.

   The water impact analysis does not attempt to reach any recommendation conclusions. What is presented is an analysis of the impact to water resources of various importance. Alternatives vary from not leasing to leasing with stipulations that certain water resources and a buffer area be protected from disturbance, as determined by a more detailed hydrologic investigation.

   The buffer zone will be determined prior to leasing during activity planning. The City of Dickinson, including its citizens and elected officials, are definitely concerned about this situation. The city must concur in writing before any federal coal is leased within the municipal watershed (see page 102, "Surface Resource Trade-offs).

5. It is correct that wildlife, and specifically fisheries resources, can be damaged by pollution of surface and ground water by mining leachates and surface contaminants. Extensive methods and materials can be employed in the surface operations to reduce the negative impacts to wildlife/fisheries, if the federal lease stipulations and state permitting agency adequately address the subject. However, the opportunities to correct damages to aquifers, particularly shallow aquifers, is very limited, and will generally not be available after coal-perched aquifers are destroyed by mining. The same problems are potential impacts to agriculture and people. It was an oversight not to mention this in our analysis. More specific analyses will be made in activity planning, subsequent to this MFP.

FINAL DECISIONS AND RATIONALE

FINAL DECISIONS AND DECISION RATIONALES

This section of the decision document lays out the final decisions and rationales for the West-Central North Dakota Management Framework Plan. These decisions follow a review and analysis of comments, both written and oral, received on the West-Central MFP recommendations published in May 1980.

Split-Estate Situation
-Coal-

In general, the recommended areas identified as acceptable for further consideration for leasing remain unchanged. Minor adjustments that were made are described in the discussions for the individual coal deposits.

Since there was considerable criticism about the lack of exclusion due to surface owner consultation, resource trade-offs and socioeconomic impacts, a special effort was made to reevaluate these processes in total, in addition to a comment by comment focus. To accomplish this, a small task force of district employees was directed to reapply surface owner consultation results to all the coal deposits being evaluated and again look for areas that had significant numbers of landowners opposed to leasing federal coal under their surface lands. Also, the group was directed to again examine all the coal deposits and look for unique, high value resources, not included under unsuitability criteria, that might be excluded under the resource trade-offs screen. Social and economic impacts were also reviewed.

While no exclusions based on surface owner consultation were made as a result of the special analysis, some situations were identified that should be brought to the public's attention. These are reflected in the individual coal deposit discussions.

It was determined that there were some unique, high value resources not already found under unsuitability criteria that could be excluded under the resource trade-offs screen. Many commentors felt that agricultural lands should fall under this screen; therefore, this was looked at closely. However, it was again determined that agricultural lands do not fall into the resource category meant for exclusion under the resource trade-offs screen, as they are not unique in character but are widespread (nearly 100 percent of the land is in agricultural use). These resources are very important, however, and impacts on specific agricultural lands and farming or ranching operations will be addressed during the activity planning phase, when leasing proposals are made. A more thorough discussion of how assessment of impacts on agriculture will be handled is found in the "Agricultural, Social and Economic Issues" section of this document.

Another review was made to determine whether or not certain deposits or portions of deposits should or could be excluded from further consideration due to social and economic impacts. It was again concluded that even though it is known that there can be significant social and economic impacts, adequate analyses cannot be made without having specific information about type, size, and location of related coal conversion facilities. Therefore, no deposits or areas were excluded.

The BLM, however, recognizes that significant impacts can occur. Social and economic impacts will be addressed in detail during activity planning. Results of these assessments may cause the exclusion of certain areas from leasing.

Dickinson Deposit

I. Lands Unsuitable

Only two changes were made in the lands unsuitable category. The municipal watersheds found in this deposit are not excluded under criterion 17, as they do not fit the definition of the watershed described in criterion 17: "Federal lands which have been committed by the surface management agency to use as municipal watersheds". These lands have not been committed as a watershed by a surface management agency; however, these lands are of significant importance and value to the City of Dickinson, since the Heart River provides the only source of municipal water and the Green River may be providing additional water in the near future. Therefore, these lands are excluded under the resource trade-offs screen.

In the Dickinson Deposit, under criterion 3, all federal coal lands in a buffer zone of 100 feet along I-94 and Highway 10 are unsuitable for mining without exception. Mining in these areas would cause too much disruption to activities on these roadways. Additionally, the federal coal lands between the two highways are unsuitable without exception. With the application of a buffer strip, the remaining portion is too narrow for mining.

All other exclusion recommendations made under unsuitability criteria carry through as final decisions, and the rationales presented with the recommendations still apply.

Results from ongoing wildlife studies in this deposit may cause other areas to be designated as unsuitable. The wildlife criteria will be reapplied during activity planning time.

Cultural resource information is lacking over this deposit and will not be gathered until sometime after leasing tracts are identified; therefore, criterion 7 will be reapplied at a later time.

II. Surface Resource Trade-offs

Identified municipal watersheds for the Heart and Green rivers are excluded from leasing. However, the same exceptions found for unsuitability criteria 17 can and will be applied during activity planning. Application of exceptions can be applied most effectively and economically when a specific area is proposed for development.

No other exclusions were made under this screen. Neither the comments received on the MFP, nor the special analysis indicated any other areas having unique, high value resources that would fall out under this screen.

Concerns expressed about impacts on agricultural lands and farm and ranch operations will be addressed during activity planning, when specific leasing proposals are made and "real" situations exist to analyze (see

section entitled "Agricultural, Social and Economic Issues" for more information on how agricultural impact assessments will be handled).

III. Surface Owner Consultation

The recommendation that no areas be excluded due to significant numbers of landowners being opposed to leasing carries through as the final decision.

The results of the review of public comments and the special analysis did not lead to excluding areas due to consultation responses, but they did point out some special situations. There are two areas in the southern portion and one area in the west-central (north of I-94) portion of the deposit that have an indicated opposition to development. These areas are composed of a combination of landowners opposed to leasing, private coal lands unleased, and surface lands over federal coal unleased. Although a true indication of significance cannot be made, it could be assumed that there is a sufficient amount of opposition to preclude the development of logical mining units in these areas. Therefore, the U.S. Geological Survey and the tract delineation team will be alerted to these situations so that they may be considered in their tract delineation efforts (see following Dickinson Deposit map).

The Dickinson Deposit has the highest percentage (29 percent) of landowners opposed to leasing among the deposits in the West-Central MFP area. If all or most of these landowners file refusals to consent during activity planning, their numbers and distribution pattern could make the delineation of logical mining units very difficult. The 29 percent of landowners opposed represents a high number; however, due to the wide distribution of the lands involved, a "significant number" does not result.

It should also be noted that there is very little federal coal in the eastern portion of the deposit; therefore, development of that part of the deposit is not dependent on federal coal. In the rest of the deposit, however, the quantity and pattern of the federal coal is such that it will definitely have a bearing on development plans.

Individual parcels where landowners are opposed to leasing are not excluded during land use planning, as that is not the intent of surface owner consultation (see section entitled "Surface Owner Protection Issues"). Landowners can prevent these parcels from being leased simply by not giving consent. They may also remove their lands from further consideration by filing refusals to consent with the BLM when activity planning begins.

IV. Other Land Use Plans

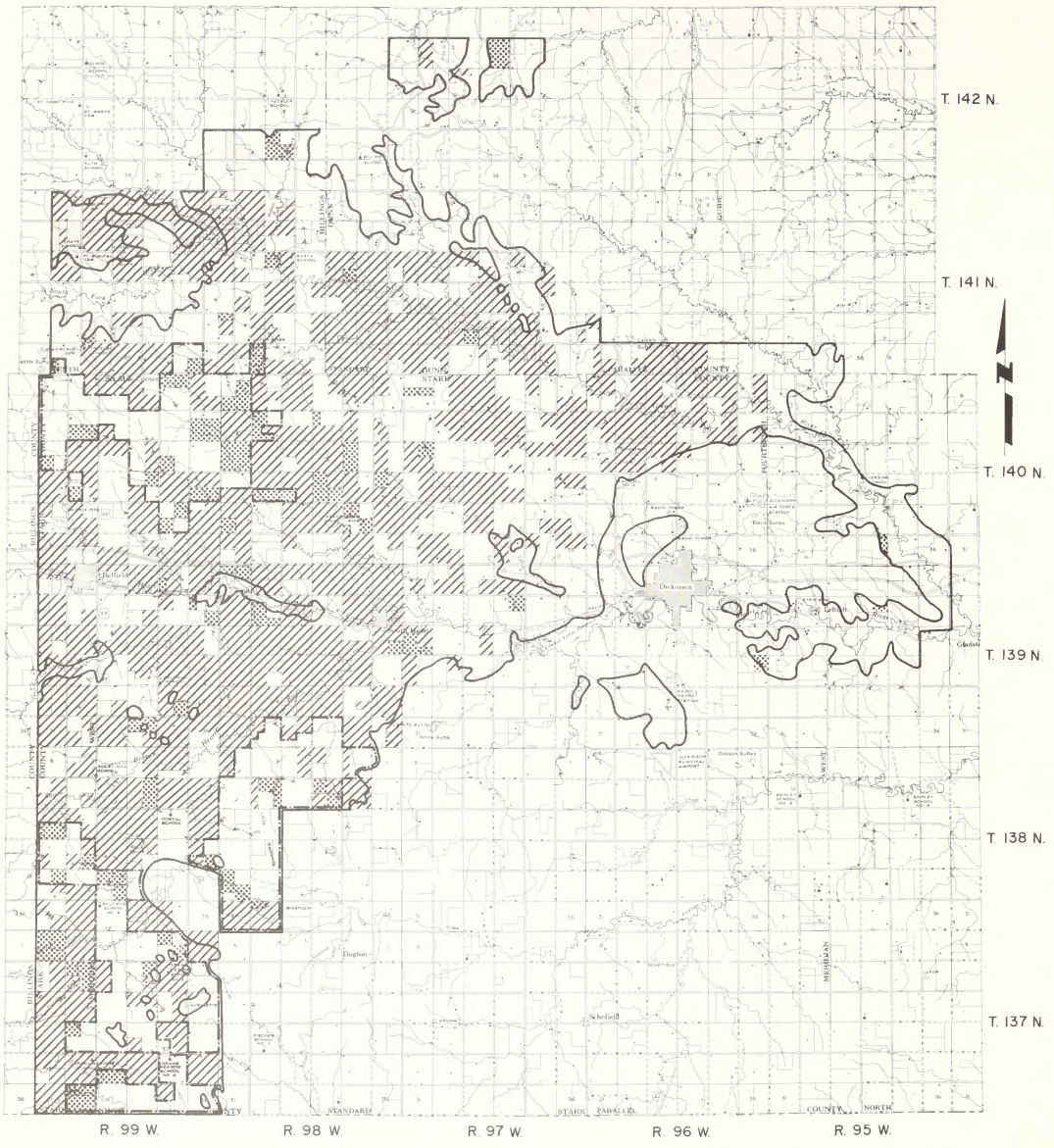
The recommendation not to place in a lower leasing priority or exclude from leasing carries through as the final decision. There were no comments received to indicate that this plan was incompatible with other land use plans.

The recommendation to exclude the federal coal lands within the Little Missouri National Grasslands until the Forest Service plan for the Grasslands is revised is carried through as the final decision. No comments were received to show that this action is in error. For further rationale, see the reasons on page SE22 of the MFP recommendation document of May 1980.

V. General

In view of the high number of landowners opposed to leasing and the existence of two major municipal watersheds and alluvial valley floors, development of leasing tracts will probably be quite difficult. The constraining factors will be looked at closely during activity planning when tracts are being proposed for leasing. Of all of the deposits in the MFP area, this deposit appears to present the most difficulty for developing leasing tracts. The eastern portion of the deposit could be developed without federal coal leasing. The western portion would require federal coal for development.

DICKINSON AREA COAL DEPOSIT



LEGEND

- Federal Coal.
- Land covered by private lease agreement for surface mining.
- Indicated land owner opposition zones.
- NONE — Land covered by Federal coal lease.
- Surface owners opposed to Federal coal leasing and whose land is not covered by private lease agreement for coal mining.

Scale in Miles: 0 1 2 3 4 5 6

NOTE: No Federal coal has leased for mining in the Dickinson coal deposit.

Dunn Center Deposit

I. Lands Unsuitable

All recommendations on unsuitability and application of exceptions as presented in the May 1980 West-Central North Dakota MFP Recommendations packet carry through as final decisions.

A review of the public comments did not indicate changes were required.

There has recently been a contract let to do further cultural resource inventory over the Dunn Center Deposit. Upon completion of this contract, the new information will be used to reapply the cultural resource unsuitability criterion, and further exclusions or a change in excluded areas may result. This criterion will be reapplied during activity planning. Wildlife habitat inventories are also ongoing, and the results of these inventories will be used in reapplying wildlife criteria during activity planning.

II. Surface Resource Trade-offs

The review of public comments and the special analysis made by the BLM district staff surfaced the need to further protect Lake Ilo. It was noted that an adequate buffer zone around the wildlife refuge was not established. For this reason, the decision is hereby made to exclude the following lands from further consideration for leasing:

T145N, R95W, Section 34: $E\frac{1}{2}$, $E\frac{1}{4}NW\frac{1}{4}$, and $N\frac{1}{2}SW\frac{1}{4}$ (480 acres);

T144N, R94W, Section 6: $S\frac{1}{2}$ (320 acres).

No other resources of unique and high significant value were identified. However, concerns were expressed about impacts on hydrology and agricultural lands in this area. These concerns were addressed and it was again determined that impacts on these resources are best assessed in activity planning when and where a specific leasing proposal(s) is made. When that impact assessment is done, the decision on mitigating measures or whether or not to offer tracts for lease will be made.

An item that was looked at closely in this review for having unique and significant high value was irrigated land. Two parcels were identified where irrigation was occurring. However, since the surface was already leased, it can be inferred that the landowner has consented to mining. These areas were not excluded from further consideration for leasing at this time, but they will be looked at very closely during activity planning. At that time the landowners will be contacted to discuss the value of these lands and their potential for reclamation.

With the exception of the lands near Lake Ilo identified above, the recommendation not to exclude lands under this screen from further consideration for leasing is carried through as the final decision.

III. Surface Owner Consultation

As in the Dickinson Deposit, the special review resulted in the indentification of two areas with notable opposition. These areas are composed of a combination of (1) tracts of federal coal where suface owners are opposed to leasing, (2) unleased private coal, and (3) federal coal with no private surface lease. Because of this appearance of opposition, development of logical mining units in these areas will be difficult. Significant numbers of landowners opposed to leasing cannot really be determined here; however, the U.S. Geological Survey and the tract delineation team will be informed of this situation so that it can be considered during tract delineation. These areas are located in the southeast and west-central portions of the deposit (see the following Dunn Center Deposit map).

Individual tracts where landowners are opposed are not excluded, as that is not the intent of surface owner consultation (see section entitled "Surface Owner Protection Issues"). These landowners can avoid having their lands leased simply by not providing consent. They can remove their lands from further consideration during activity planning by filing a refusal to consent with the BLM.

The recommendation made not to exclude areas from further consideration from leasing in this deposit is carried through as the final decision.

IV. Other Land Use Plans

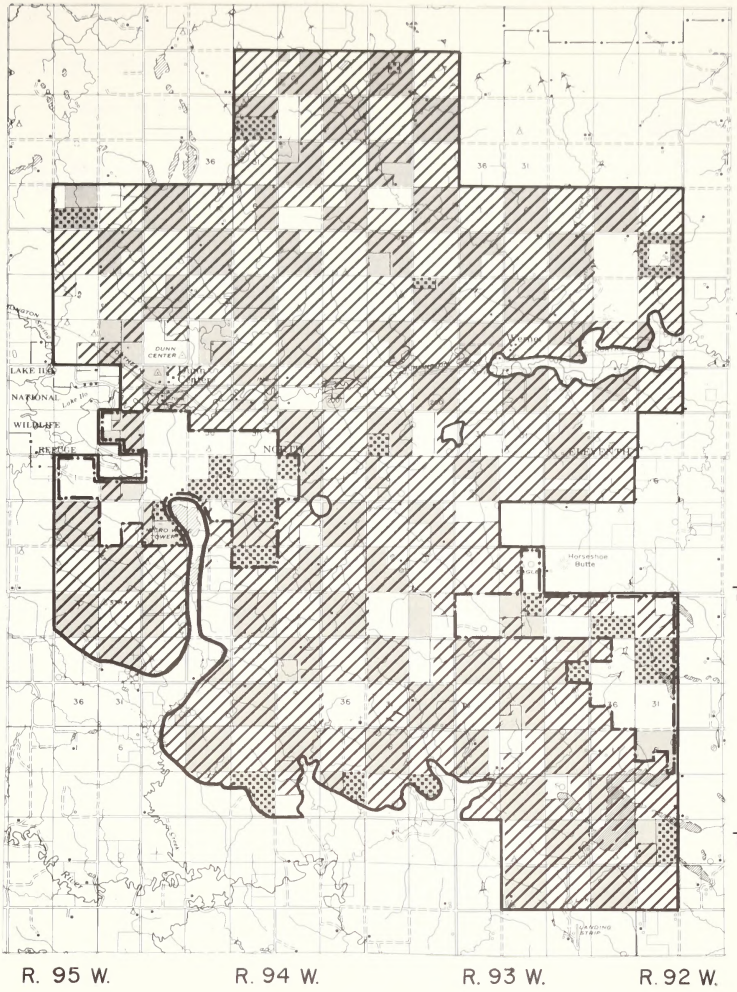
The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

It is significant to note that the vast majority (87 percent) of the Dunn Center Deposit is under some type of lease for coal development; however, even with that high percentage leased, there is significant opposition to development in the area. The BLM and the Fort Union Regional Coal Team, who are responsible for making leasing recommendations, will have to take this attitude into consideration during activity planning.

It is also important to note that major coal development is not occurring in this deposit, and for it to occur, it would most likely depend on a combination of federal, state, and private coal. Development depends upon federal coal being leased.

DUNN CENTER COAL DEPOSIT



LEGEND

- Federal Coal.
- Land covered by private lease agreement for surface mining.
- NONE — Land covered by Federal coal lease.
- Surface owners opposed to Federal coal leasing and whose land is not covered by private lease agreement for coal mining.
- Indicated land owner opposition zones.

NOTE: No Federal coal has been leased for mining in the Dunn Center coal deposit.

0 1 2 3 4 5 6
Scale in Miles

Center-Stanton Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any land from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when specific leasing proposals are made. Realistic and meaningful impact assessments can only be done when there is an actual proposed action (see section entitled "Agricultural, Social and Economic Issues" in this document for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

Only a few scattered parcels of land were affected by landowners being opposed to leasing. These landowners did not constitute a significant number. A review of comments and the special district analysis did not indicate anything to the contrary. Also, mining is already ongoing in this deposit. Therefore, the recommendation not to exclude land from further consideration for leasing under this category carries through as the final decision.

Individual parcels of land where surface owners were opposed were not excluded, as that is not the intent of surface owner consultation (see section entitled "Surface Owner Protection Issues"). These landowners can prevent leasing simply by not giving consent. They can also have these lands excluded from further consideration for leasing by submitting a refusal to consent to the BLM when activity planning begins.

IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

Two ongoing mines exist in this deposit. The federal coal is intermixed with state and private coal and should be made available for making efficient logical mining units and preventing by-pass of the federal coal resource. Only where specific overriding resource values are found should the federal coal be avoided. This will be more closely looked at during activity planning.

There are major conflicts between coal mining and wildlife resources that must be dealt with. There are ongoing studies at the Glenharold Mine on the restoration of woodland ecosystems. Until it can be successfully demonstrated that these ecosystems can be restored, the impacted ones will be protected by exclusion from mining. Which woodlands to protect will be determined during activity planning when site-specific impact assessments are made.

The sodic soils that exist in the area must be studied closely to determine how to handle them during reclamation.

Hazen Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any lands from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see the "Agricultural, Social and Economic Issues" section for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

There were no surface owners over federal coal who indicated being opposed to leasing, and the review of public comments and the special district office analysis did not surface any new considerations. The federal coal represents a small portion of the deposit, and it is widely dispersed in small tracts; therefore, the recommendation not to exclude federal coal from further consideration for leasing carries through as the final decision.

Individual parcels of land where surface owners are opposed were not excluded, as that is not the intent of surface owner consultation (see section entitled "Surface Owner Protection Issues"). These landowners can prevent leasing simply by not giving consent. They can have their lands completely excluded from further consideration for leasing by submitting a refusal to consent to the BLM when activity planning begins.

IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

Major problems do not appear to exist with mining this deposit. Analysis of leasing proposals will identify the more site-specific problems. As in all areas, impacts on agricultural lands and farm and ranch operations are a major concern. These will be dealt with during activity planning. Development can occur in this deposit without the leasing of federal coal, since there is only a small percentage of federal coal in the deposit.

Renner's Cove Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any lands from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see "Agricultural, Social and Economic Issues" section for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

Overall, there was a very small percentage of landowners opposed to leasing in this deposit. The lands involved are generally small parcels and widely scattered. There is a very high percentage of private coal leased in the area, and development can occur (and is occurring) without dependence on federal coal. With the exception of the one area discussed below, the federal coal should be left available for leasing to avoid wasteful bypass situations.

An area on the southwestern portion of the deposit showed an indicated opposition to coal development due to a combination of tracts where there are landowners opposed to leasing federal coal, unleased private coal, and no lease agreements over federal coal. Although significant numbers of landowners opposed to leasing cannot be determined in this area, the U.S. Geological Survey and the tract delineation team will be informed of this situation so that it may be considered during tract delineation (see following Renner's Cove Deposit map).

Individual parcels of land where surface owners were opposed were not excluded, as that is not the intent of surface owner consultation (see section entitled "Surface Owner Protection Issues"). These landowners can prevent leasing simply by not giving consent. They can also have these lands excluded from further consideration for leasing by submitting a refusal to consent to the BLM when activity planning begins.

The recommendation that no areas be excluded from further consideration for leasing under this category carries through as the final decision.

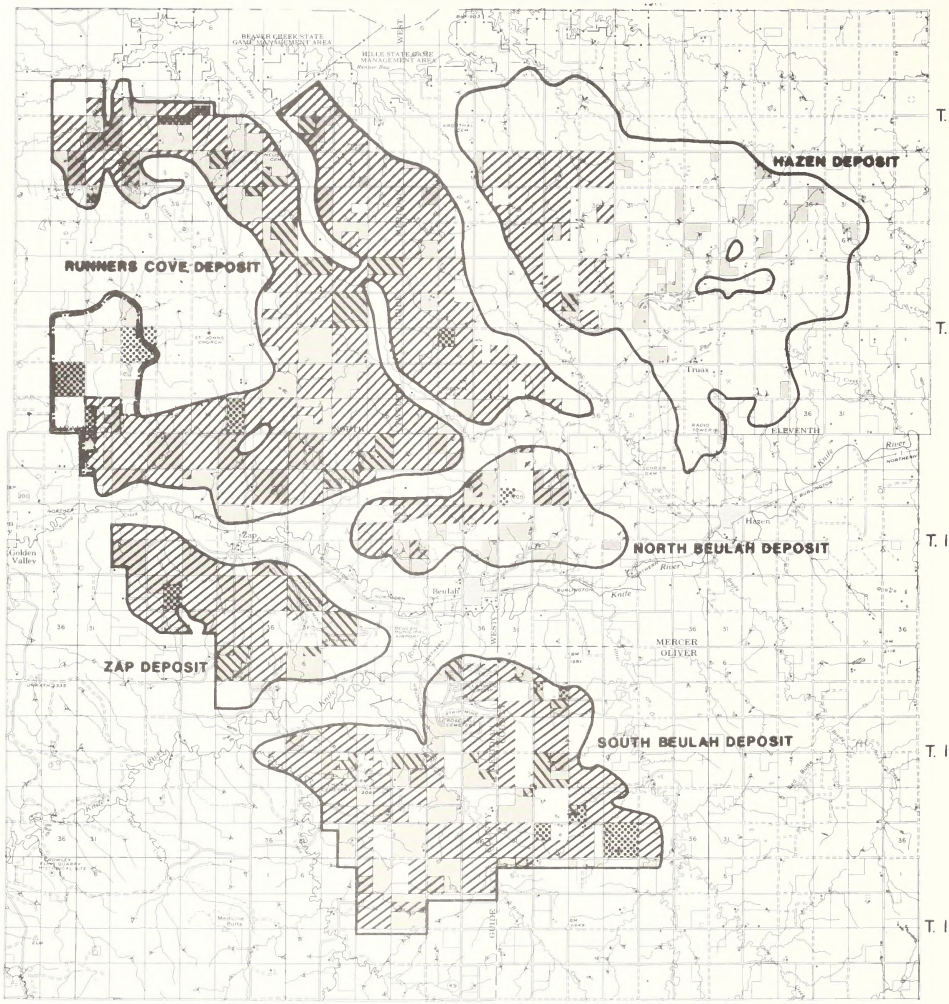
IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

Mining is just beginning in the Renner's Cove Deposit. Coal will be used to supply an electric generating plant and a gasification plant in the area. Federal coal associated with this mining activity should definitely be leased unless there is an identified overriding resource value. Otherwise, there likely would be a loss of the coal resource and a possible increase in the cost of mining, since it would probably be uneconomical to come back in the future to mine small parcels. There does not appear to be major resource problems in this area; however, impacts on agricultural lands is a problem which must be addressed in activity planning. Development is not dependent on the leasing of federal coal.

BEULAH AREA COAL DEPOSITS



LEGEND

- Federal Coal.
- Land covered by private lease agreement for surface mining.
- Indicated land owner opposition zones.
- Land covered by Federal coal lease.
- Surface owners opposed to Federal coal leasing and whose land is not covered by private lease agreement for coal mining.

Scale in Miles

North Beulah Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to make any exclusions from further consideration under this category carries through as the final decision.

On this deposit as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate part of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see section entitled "Agricultural, Social and Economic Issues" for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

On the entire deposit only one surface owner (138 acres) was opposed to leasing. This definitely did not represent significant numbers of landowners opposed, and a review of the comments received and the special district analysis did not surface anything to the contrary; therefore, the recommendation not to exclude lands under this category carries through as the final decision.

The individual who opposed leasing can prevent leasing of his land simply by not giving consent. He can remove his land from further consideration for leasing by filing a refusal to consent with the BLM when activity planning starts.

IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

No major problems are evident. Concern was expressed about impacts to agricultural lands and farm and ranch operations. These are significant concerns that will be addressed in activity planning.

This is a relatively small deposit with scattered federal, state, and private coal ownership. It is most feasible to mine all of the coal in the deposit unless a specific high value resource is overriding. Such resources have not yet been identified in the deposit. Mining of private coal is scheduled to begin in the very near future, as North American Coal Inc. finishes mining in the Zap Deposit.

Zap Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any lands from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see section entitled "Agricultural, Social and Economic Issues" for further discussion on how agricultural concerns will be addressed).

III. Surface Owner Consultation

The recommendation not to exclude coal from further consideration for leasing is carried through as the final decision. Only one owner indicated opposition and the affected land constituted only a small portion of the deposit. Nearly all other federal coal lands have surface lease agreements. Additionally, there is ongoing mining in the deposit and nearly all of the mineable coal has been removed.

The individual who opposed leasing can prevent leasing of his land simply by not giving consent. He can prevent his land from being further considered for leasing by filing a refusal to consent with the BLM when activity planning starts.

IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

It is highly unlikely that any more coal will be leased in this deposit, as most of it has already been leased or mined out; however, closer analysis may indicate some areas that could be developed. This will be looked at during activity planning.

South Beulah Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any lands from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when and where specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see section entitled "Agricultural, Social and Economic Issues" for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

Only a few scattered parcels of land were identified as having owners opposed to leasing, and the landowners opposed did not constitute a significant number. A review of comments and the special district analysis did not indicate anything to the contrary. Also, mining is already ongoing in this deposit. For these reasons, the recommendation not to exclude land from further consideration for leasing under this category carries through as the final decision.

Individual parcels of land where surface owners were opposed were not excluded, as that is not the intent of surface owner consultation (see section entitled "Surface Owner Protection Issues"). These landowners can prevent leasing simply by not giving consent. They can also have these lands excluded from further consideration for leasing by submitting a refusal to consent to the BLM when activity planning begins.

IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since the public comments did not indicate that this plan was incompatible with other land use plans.

V. General

Mining is occurring in this deposit and coal production is expected to increase to supply the Coyote Power Plant. Federal coal is intermixed with private and state coal and, as needed, should be leased and mined as part of logical mining units; otherwise, the federal coal would be by-passed. There does not appear to be major obstacles for including the federal coal in logical mining units. A closer review will be done, however, during activity planning.

Washburn Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied. Wetlands are the main wildlife habitats to be considered.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any lands from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when and where specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see section entitiled "Agricultural, Social and Economic Issues" for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

The deposit contains very little federal coal (3 percent); therefore, federal coal does not control development. Landowners over federal coal were opposed to leasing on only 130 acres. This is insignificant in terms of the federal coal area and the total area of the deposit.

The landowners opposed to leasing can prevent mining by not giving consent or by filing a "refusal to consent" statement with the BLM when land use planning is completed and activity planning is initiated.

Since review of public comments and the special district analysis did not turn up anything to the contrary, the recommendation not to exclude any federal coal from further consideration for leasing is carried through as the final decision.

IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

Federal coal has little to do with the development of this deposit; however, it should be included, where possible, with state and private coal in the development of efficient logical mining units. There does not appear to be any special problems associated with mining the federal coal. Site-specific analyses in activity planning will reveal any major problems that might exist. Mining is not presently occurring in this deposit.

Underwood Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied. Wetlands are the primary wildlife habitats to be considered.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any lands from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when and where specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see section entitled "Agricultural, Social and Economic Issues" for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

No landowners over federal coal without surface lease agreements were opposed to development. Mining is presently occurring in the deposit. As federal coal comprises only six percent of the deposit, it does not control development.

Since review of public comments and the special district analysis did not surface anything contrary to the above situation, the recommendation not to exclude any coal from further consideration for leasing is carried through as the final decision.

IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

The Falkirk Mine is active in this area. While the continued operation of the mine does not depend on federal coal, it should be mined--where other resource values are not overriding--in association with private and state coal, so that efficient logical mining units can be developed and to avoid wasteful by-pass.

Garrison Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied. Wetlands and woodlands are the primary wildlife habitats to be considered.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any lands from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when and where specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see section entitled "Agricultural, Social and Economic Issues" for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

Thirteen percent of the landowners over federal coal without surface lease agreements were opposed to leasing. As federal coal represents only 17 percent of the total deposit, it is not a controlling factor. Mining could easily occur without the federal coal; however, the federal coal should be available for lease to avoid by-pass situations.

Surface owners over federal coal who have not entered into a surface lease agreement can prevent mining of their lands by not giving consent, or by filing a refusal to consent statement with the BLM when the land use plan is complete and activity planning is initiated.

Since review of public comments and the special district analysis did not surface anything contrary to the above situation, the recommendation not to exclude any coal from further consideration for leasing is carried through as the final decision.

IV. Other Land Use Plans

Since public comments did not indicate that the plan was incompatible with other land use plans, the recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision.

V. General

Federal coal has little to do with the future development of this deposit. However, it should be included, where possible, with state and private coal in the development of efficient logical mining units, and to avoid wasteful by-pass where there are no other overriding values. There are no apparent problems identified which would disallow it from happening. Site-specific analyses in activity planning would surface any major problems.

North Garrison Deposit

I. Lands Unsuitable

A review of public comments did not indicate any needed changes in the unsuitability recommendations; therefore, the recommendations made carry through as the final decisions.

Wildlife criteria must be reapplied when current inventory contracts are completed. This will be done during activity planning. It is possible that areas may be determined unsuitable for leasing when those criteria are applied. Woodlands and wetlands are the primary wildlife habitats to be considered.

II. Surface Resource Trade-offs

Neither the public comments nor the special review made by the district surfaced any unique, significant high value resources that might be excluded from further consideration for leasing under this category. Therefore, the recommendation not to exclude any lands from further consideration under this category carries through as the final decision.

On this deposit, as on all the coal deposits in the MFP area, people were concerned about the impacts on agricultural lands and farm and ranch operations. These are recognized to be very significant concerns, but the MFP is not the appropriate phase of the Federal Coal Management Program to address them. They will be addressed during the activity planning phase of the program, when and where specific leasing proposals are made. Realistic and meaningful impact assessments can only be done where there is an actual proposed action (see section entitled "Agricultural, Social and Economic Issues" for further discussion of how agricultural concerns will be addressed).

III. Surface Owner Consultation

Sixteen percent of the landowners over federal coal without surface lease agreement were opposed to leasing. The scattered federal coal constitutes only 16 percent of the deposit; so the federal ownership does not control development.

The landowners opposed to leasing can prevent mining of their lands by not giving consent, or by filing a refusal to consent statement with the BLM when the land use plan is complete and activity planning is initiated.

Since review of public comments and the special district analysis did not surface anything contrary to the above situation, the recommendation not to exclude any coal from further consideration for leasing is carried through as the final decision.

IV. Other Land Use Plans

The recommendation not to place in a lower leasing priority or exclude any land from leasing under this category carries through as the final decision, since public comments did not indicate that this plan was incompatible with other land use plans.

V. General

Even though federal coal does not control development in this deposit, it exists in a pattern that would cause difficulty in mining if it were not leased and included in a logical mining unit. Wetlands and woodlands are the primary concerns in this area that could preclude some of the federal coal from being mined. When wildlife habitat inventories are completed, the new data will be assessed during activity planning to determine which, if any, areas would be excluded from mining.

Multiple-use Decisions For All Coal Deposits

All recommendations and rationale under this title that are found in the May 1980 West-Central North Dakota MFP Recommendations packet are carried through as the final decisions, as the final review of public comments did not indicate that anything to the contrary should be done.

The decision actions are general in nature and apply to all the federal coal reserves in the West-Central MFP area.

Split Estate Situation
-Oil and Gas-

The multiple-use recommendation for oil and gas in the May 1980 MFP recommendations packet is carried through as the final decision with one slight change, the addition of the word "exploration". The decision now reads:

> Make available for exploration and leasing all of the lands in the planning area on which the oil and gas is federally owned and is under total BLM administrative authority. Stipulations will be developed for leases and development plans on a case-by-case basis through the use of the District Programmatic Oil and Gas Environmental Assessment Record and on-site inspection.

The wording of the decision was changed to reflect the concern of a commentor who thought oil and gas exploration might be curtailed. As the original intent was to allow exploration, the wording was changed to make this explicit.

SURFACE AND MINERAL ESTATE SITUATION
-Isolated Tracts-

Surface and Mineral Estate Situation
-Isolated Tracts-

Multiple-use Decisions

All of the multiple-use recommendations for the isolated tracts found in the May 1980 recommendations for the West-Central North Dakota MFP carry through as multiple-use decisions.

Rationale

There was no reason to adjust any of the recommendations based on comments received from the public concerning management of these tracts. The only comment received about them dealt with the need to do early cadastral survey (see comments and responses section of this document).

SURFACE AND MINERAL ESTATE SITUATION
-Lost Bridge Management Area-
(Dunn County)

Surface and Mineral Estate Situation
-Lost Bridge Management Area-
(Dunn County)

Multiple-use Decisions

With the exception of the decision written below, all of the multiple-use recommendations for the Lost Bridge Management Area found in the May 1980 recommendations for the West-Central North Dakota MFP carry through as multiple-use decisions.

Lands Decision Number 3

This decision now reads:

> "Do not allow agricultural leasing along the Little Missouri River bottom except where it is determined that existing agricultural activity is a viable land use. Any agricultural use will be limited to crops that will provide a permanent vegetative cover, such as the raising and harvesting of hay."

General Rationale

Public comment indicated that the original wording of the recommendation caused confusion as to its intent. Therefore, the wording was changed to more clearly express the intent of the recommendation. The intent itself is not changed. No comment was received that led to the changing of recommendations. The primary thing challenged was the wording of some of the rationale. Many of them were changed in response to the comments (see comments and responses section).

DECISION STATEMENT

DECISION STATEMENT

The foregoing decisions as tied to the recommendations of May 1980 are the multiple-use decisions for the West-Central North Dakota Management Framework Plan.

These decisions form the base and the framework for the management of the BLM administered lands and resources in the planning area.

Approved by Charles E. Steele, District Manager Date 9/15/80

Concurred by Michael J. Penfold, State Director Date 9/15/80

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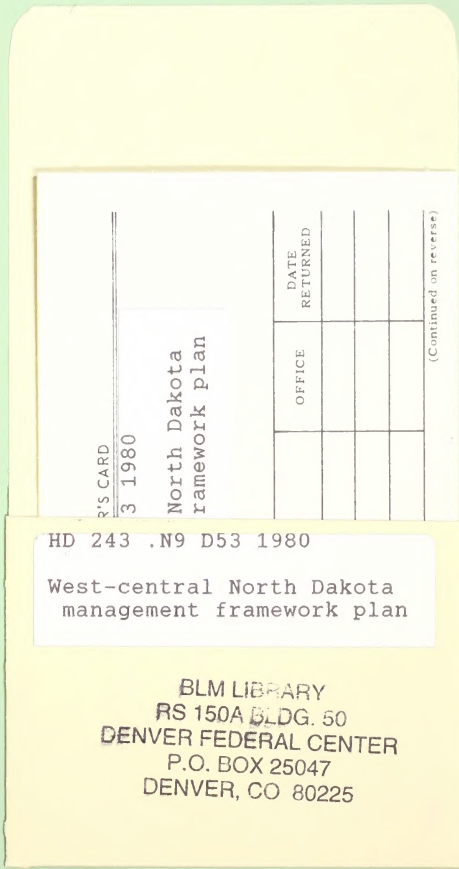

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